

1 **STUDENT ACHIEVEMENT ASSESSMENT**

2 **AMENDMENTS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Merlynn T. Newbold**

6 Senate Sponsor: Howard A. Stephenson

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies U-PASS (Utah Performance Assessment System for Students) and
11 requirements for reading achievement plans and the reporting of students' reading grade
12 level.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ modifies U-PASS by:

- 16 • expanding the basic skill courses tested to include intermediate algebra;
- 17 • eliminating criterion-referenced testing in grade 1;
- 18 • eliminating norm-referenced testing in grade 11; and
- 19 • adding a reading test in grade 3;

20 ▶ modifies assessment, intervention, and reporting elements of schools' reading
21 achievement plans for students in kindergarten through grade 3;

22 ▶ modifies reporting requirements regarding U-PASS test results;

23 ▶ modifies eligibility requirements for stipends for basic skills education to enable
24 students to pass the Utah Basic Skills Competency Test; and

25 ▶ requires the State Board of Education to consider administering the Utah Basic
26 Skills Competency Test on a Saturday to preserve instructional time.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53A-1-602**, as last amended by Chapter 7, Laws of Utah 2002, Sixth Special Session

34 **53A-1-603**, as last amended by Chapter 7, Laws of Utah 2002, Fifth Special Session

35 **53A-3-602.5**, as last amended by Chapters 210 and 244, Laws of Utah 2002

36 **53A-1-607**, as last amended by Chapter 219, Laws of Utah 2000

37 **53A-1-612**, as enacted by Chapter 299, Laws of Utah 2006

38 REPEALS AND REENACTS:

39 **53A-1-606.5**, as last amended by Chapters 210 and 324, Laws of Utah 2002

40 REPEALS:

41 **53A-1-606**, as last amended by Chapter 93, Laws of Utah 2001



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

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

45 **53A-1-602. Definitions.**

46 As used in this part:

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

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

54 (3) "Utah Performance Assessment System for Students" or "U-PASS" means:

55 (a) systematic norm-referenced achievement testing of all students in grades 3, 5, and
56 8[~~, and 11~~] required by this part in all schools within each school district by means of tests
57 designated by the State Board of Education;

58 (b) criterion-referenced achievement testing of students in [~~all grade levels~~] grades 2
59 through 12 in basic skills courses;

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

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

64 (e) [~~beginning with the 2002-03 school year,~~] the use of student behavior indicators in
65 assessing student performance[-]; and

66 (f) beginning with the 2007-08 school year, testing of students in grade 3 to measure
67 reading grade level.

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

69 **53A-1-603. Duties of State Board of Education.**

70 (1) The State Board of Education shall:

71 (a) require each school district and charter school to implement the Utah Performance
72 Assessment System for Students, hereafter referred to as U-PASS;

73 (b) require the state superintendent of public instruction to submit and recommend
74 criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills
75 competency test, [~~and~~] a direct writing assessment for grades 6 and 9, and a test for students in
76 grade 3 to measure reading grade level to the board for approval and adoption and distribution
77 to each school district and charter school by the state superintendent;

78 (c) develop an assessment method to uniformly measure statewide performance, school
79 district performance, and school performance of students in grades [~~+~~] 2 through 12 in
80 mastering basic skills courses; and

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

83 (2) Under U-PASS, the state office shall annually require that each district and charter
84 school, as applicable, administer:

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

86 (b) statewide criterion-referenced tests in [~~all grade levels~~] grades 2 through 12 and
87 courses in basic skill areas of the core curriculum;

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

90 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611[~~, with~~
91 ~~the first test to be administered during the 2003-04 school year.~~]; and

92 (e) a test to all students in grade 3 to measure reading grade level.

93 (3) The board shall adopt rules for the conduct and administration of U-PASS to
94 include the following:

95 (a) the computation of student performance based on information that is disaggregated
96 with respect to race, ethnicity, gender, limited English proficiency, and those students who
97 qualify for free or reduced price school lunch;

98 (b) security features to maintain the integrity of the system, which could include
99 statewide uniform testing dates, multiple test forms, and test administration protocols;

100 (c) the exemption of student test scores, by exemption category, such as limited
101 English proficiency, mobility, and students with disabilities, with the percent or number of
102 student test scores exempted being publically reported at a district level;

103 (d) compiling of criterion-referenced and direct writing test scores and test score
104 averages at the classroom level to allow for:

105 (i) an annual review of those scores by parents of students and professional and other
106 appropriate staff at the classroom level at the earliest point in time [~~and consistent with the~~
107 ~~timeline of the phase-in referred to in Section 53A-1-602 and this section, but no later than by~~
108 ~~the end of the school year beginning with the 2003-04 school year~~];

109 (ii) the assessment of year-to-year student progress in specific classes, courses, and
110 subjects;

111 (iii) a teacher to review, prior to the beginning of a new school year [~~for the 2003-04~~
112 ~~school year and for each school year thereafter~~], test scores from the previous school year of
113 students who have been assigned to the teacher's class for the new school year; and

114 (iv) allowing a school district or charter school to have its tests administered and
115 scored electronically to accelerate the review of test scores and their usefulness to parents and
116 educators under Subsections (3)(d)(i), (ii), and (iii), without violating the integrity of U-PASS;
117 and

118 (e) providing that:

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

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

124 (4) The State Board of Education shall consider administering the basic skills
125 competency test on a Saturday to preserve instructional time.

126 Section 3. Section **53A-1-606.5** is repealed and reenacted to read:

127 **53A-1-606.5. State reading goal -- Reading achievement plan.**

128 (1) As used in this section, the "five domains of reading" include phonological
129 awareness, phonics, fluency, comprehension, and vocabulary.

130 (2) (a) The Legislature recognizes that:

131 (i) reading is the most fundamental skill, the gateway to knowledge and lifelong
132 learning;

133 (ii) there is an ever increasing demand for literacy in the highly technological society
134 we live in;

135 (iii) students who do not learn to read will be economically and socially disadvantaged;

136 (iv) reading problems exist in almost every classroom;

137 (v) almost all reading failure is preventable if reading difficulties are diagnosed and
138 treated by no later than the end of the third grade; and

139 (vi) early identification and treatment of reading difficulties can result in students
140 learning to read by the end of the third grade.

141 (b) It is therefore the long-term goal of the state to have every student in the state's

142 public education system reading on or above grade level by the end of the third grade.

143 (3) (a) Each public school containing kindergarten, grade 1, grade 2, or grade 3,
144 including charter schools, shall develop, in conjunction with all other school planning
145 processes and requirements, a reading achievement plan for its students in kindergarten through
146 grade 3 to reach the reading goal set in Subsection (2)(b).

147 (b) The reading achievement plan shall be:

148 (i) developed under the direction of:

149 (A) the school community council or a subcommittee or task force created by the
150 school community council, in the case of a school district school; or

151 (B) the charter school governing board or a subcommittee or task force created by the
152 governing board, in the case of a charter school; and

153 (ii) implemented by the school's principal, teachers, and other appropriate school staff.

154 (c) The school principal shall take primary responsibility to provide leadership and
155 allocate resources and support for teachers and students, most particularly for those who are
156 reading below grade level, to achieve the reading goal.

157 (d) Each reading achievement plan shall include:

158 (i) an assessment component that:

159 (A) focuses on ongoing formative assessment to measure the five domains of reading,
160 as appropriate, and inform instructional decisions; and

161 (B) includes a reading assessment selected from a list recommended by the State Board
162 of Education;

163 (ii) an intervention component:

164 (A) that provides adequate and appropriate interventions focused on each student
165 attaining proficiency in reading skills;

166 (B) based on best practices identified through proven researched-based methods;

167 (C) that provides intensive intervention, such as focused instruction in small groups,
168 implemented at the earliest possible time for students having difficulty in reading;

169 (D) that provides an opportunity for parents to receive materials and guidance so that

- 170 they will be able to assist their children in attaining proficiency in reading skills; and
171 (E) that, as resources allow, involves a reading specialist; and
172 (iii) a reporting component that includes reporting to parents:
173 (A) their child's literacy profile which documents ongoing formative assessment
174 results; and
175 (B) at the end of third grade, their child's reading level.
176 (e) In developing or reviewing a reading achievement plan, a school community
177 council, charter school governing board, or a subcommittee or task force of a school
178 community council or charter school governing board may not have access to data that reveal
179 the identity of students.
180 (4) (a) The school district shall approve each plan developed by schools within the
181 district prior to its implementation and review each plan annually.
182 (b) The charter school governing board shall approve each plan developed by schools
183 under its control and review each plan annually.
184 Section 4. Section **53A-1-607** is amended to read:
185 **53A-1-607. Scoring -- Reports of results.**
186 (1) Each local school board and charter school shall submit all answer sheets for the
187 achievement tests administered under U-PASS on a per-school and per-class basis to the state
188 superintendent of public instruction for scoring unless the test requires scoring by a national
189 testing service.
190 (2) The district and school results of the U-PASS testing program, but not the score or
191 relative position of individual students, shall be reported to each local school board or charter
192 school governing board annually at a regularly scheduled meeting.
193 (3) Each local board and charter school governing board shall make copies of the
194 report available to the general public upon request.
195 (4) The board may charge a fee for the copying costs.
196 (5) The State Board of Education shall annually provide to school districts and charter
197 schools a comprehensive report for each of their students showing the student's U-PASS test

198 results for each year the student took a U-PASS test. School districts and charter schools shall
199 give a copy of the comprehensive report to the student's parents and make the report available
200 to school staff, as appropriate.

201 Section 5. Section **53A-1-612** is amended to read:

202 **53A-1-612. Basic Skills Education Stipend Program.**

203 (1) As used in this section:

204 (a) "Basic skills education" means individual or group instruction, including
205 assessments, designed to develop the skills and knowledge necessary to pass the Utah Basic
206 Skills Competency Test.

207 (b) "Basic skills provider" means:

208 (i) a school district;

209 (ii) a charter school;

210 (iii) an accredited public or private educational institution; or

211 (iv) other entity that meets board requirements pursuant to Subsection (12).

212 (c) "Program" means the Basic Skills Education Stipend Program.

213 (d) "Stipend recipient" means a student who receives a stipend under this section.

214 (e) "Utah Basic Skills Competency Test" or "UBSCT" means the basic skills
215 competency test administered to students pursuant to Section 53A-1-611.

216 (2) The Basic Skills Education Stipend Program is created to provide students who
217 have not passed the UBSCT supplemental instruction in the skills and knowledge necessary to
218 pass the test.

219 (3) The State Board of Education shall administer the Basic Skills Education Stipend
220 Program.

221 (4) (a) A student may receive a stipend for basic skills education if:

222 [~~(i) (A) by the spring of the student's junior year the student has not passed the~~
223 ~~UBSCT; and]~~

224 [~~(B)~~] (i) the student's score on one more subtests is below the midpoint of the partial
225 mastery range;

- 226 (ii) the student's parent or guardian is a Utah resident;
- 227 (iii) the student is enrolled full-time in a public school in the state; and
- 228 (iv) the student does not qualify for the Utah Alternative Assessment.
- 229 (b) A student who meets the criteria of Subsection (4)(a) may receive a stipend for
- 230 basic skills education in the subject of each subtest failed. Depending upon the number of
- 231 subtests failed, a student may receive one, two, or three stipends. A student may receive a
- 232 stipend only once for each subtest failed.
- 233 (5) Stipend amounts shall be based on a student's subtest score as follows:
- 234 (a) \$500, if the student's subtest score was below the midpoint of the partial mastery
- 235 range but above the minimal mastery range;
- 236 (b) \$1,000, if the student's subtest score was below the partial mastery range, but above
- 237 or at the midpoint of the minimal mastery range; or
- 238 (c) \$1,500, if the student's subtest score was below the midpoint of the minimal
- 239 mastery range.
- 240 (6) A stipend recipient may apply for basic skills education from any basic skills
- 241 provider.
- 242 (7) Each basic skill provider shall accept stipend recipients on a first come/first served
- 243 basis.
- 244 (8) A stipend recipient shall give the following to the basic skills provider selected to
- 245 provide basic skills education:
- 246 (a) a voucher in the amount of the stipend which the basic skills educator may present
- 247 for payment by the board if the stipend recipient passes the subtest corresponding to the basic
- 248 skills education provided by the basic skills provider; and
- 249 (b) an authorization signed by the stipend recipient's parent or guardian for the stipend
- 250 recipient's school to release records of the stipend recipient to the basic skills provider, if the
- 251 basic skills provider is not the school district or charter school in which the stipend recipient is
- 252 enrolled.
- 253 (9) A basic skills provider who possesses a voucher shall receive payment from the

254 board in the amount of the stipend, if, on a subsequent administration of the UBSCT, the
255 stipend recipient passes the subtest corresponding to the basic skills education provided by the
256 basic skills provider.

257 (10) (a) A basic skills provider may charge a stipend recipient an amount in addition to
258 that paid by the board.

259 (b) The additional amount charged by a basic skills provider shall be:

260 (i) consistent with the restriction in Utah Constitution Article X, Section 2;

261 (ii) disclosed to the stipend recipient's parent or guardian when the stipend recipient
262 applies for basic skills education; and

263 (iii) reported to the board before receiving payment from the board.

264 (c) A basic skills provider may not make any additional charge or refund of a charge
265 contingent upon a stipend recipient's passing or failing a UBSCT subtest.

266 (11) (a) Stipends shall be awarded by the board subject to the availability of money
267 appropriated by the Legislature for that purpose.

268 (b) The Legislature shall annually appropriate money to the board from the General
269 Fund to make stipend payments.

270 (c) If monies are not available to pay for all stipends requested, the stipends shall be
271 allocated according to rules adopted by the State Board of Education.

272 (12) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
273 the State Board of Education shall make rules:

274 (a) establishing qualifications for basic skills providers who are not school districts,
275 high schools, or accredited public or private educational institutions;

276 (b) establishing procedures for the administration of the Basic Skills Education Stipend
277 Program; and

278 (c) requiring the parent or guardian of a stipend recipient who selects a basic skills
279 provider other than the school district or charter school in which the stipend recipient is
280 enrolled to sign:

281 (i) an acknowledgment that the school district or charter school is released from further

282 remediation responsibility for the stipend recipient; and

283 (ii) if the student has an IEP, an acknowledgment that offering a voucher to the basic
284 skill provider has the same effect as a parental refusal to consent to services pursuant to Section
285 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

286 (13) School districts and charter schools shall provide each student who qualifies for a
287 basic skills education stipend information about the Basic Skills Education Stipend Program,
288 including:

289 (a) voucher applications; and

290 (b) how to access a list of approved public and private providers.

291 Section 6. Section **53A-3-602.5** is amended to read:

292 **53A-3-602.5. School performance report -- Components -- Annual filing.**

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

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

300 (a) except as provided in Subsection (2)(a)(ii), test scores over the previous year on:

301 (i) norm-referenced achievement tests;

302 (ii) criterion-referenced tests [~~beginning with the 2001-02 school year,~~] to include the
303 scores aggregated for all students by grade level or course for the previous two years and an
304 indication of whether there was a sufficient magnitude of gain in the scores between the two
305 years;

306 (iii) writing assessments required under Section 53A-1-603; and

307 (iv) tenth grade basic skills competency tests required under Section 53A-1-603;

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

- 310 (c) advanced placement and concurrent enrollment data, including:
- 311 (i) the number of students taking advanced placement and concurrent enrollment
- 312 courses;
- 313 (ii) the number and percent of students taking a specific advanced placement course
- 314 who take advanced placement tests to receive college credit for the course;
- 315 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
- 316 percent who pass the test; and
- 317 (iv) of those students taking a concurrent enrollment course, the number and percent of
- 318 those who receive college credit for the course;
- 319 (d) the number and percent of students [~~through~~] in grade [~~ten~~] 3 reading at or above
- 320 grade level;
- 321 (e) the number and percent of students who were absent from school ten days or more
- 322 during the school year;
- 323 (f) achievement gaps that reflect the differences in achievement of various student
- 324 groups as defined by State Board of Education rule;
- 325 (g) the number and percent of "student dropouts" within the district as defined by State
- 326 Board of Education rule;
- 327 (h) course-taking patterns and trends in secondary schools;
- 328 (i) student mobility;
- 329 (j) staff qualifications, to include years of professional service and the number and
- 330 percent of staff who have a degree or endorsement in their assigned teaching area and the
- 331 number and percent of staff who have a graduate degree;
- 332 (k) the number and percent of parents who participate in SEP, SEOP, and
- 333 parent-teacher conferences;
- 334 (l) average class size by grade level and subject;
- 335 (m) average daily attendance as defined by State Board of Education rule, including
- 336 every period in secondary schools; and
- 337 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited

338 English proficiency, and those students who qualify for free or reduced price school lunch.

339 (3) The State Board of Education, in collaboration with the state's school districts and
340 charter schools, shall provide for the collection and electronic reporting of the following data
341 for each school in each school district and each charter school:

342 (a) test scores and trends over the previous four years on the tests referred to in
343 Subsection (2)(a);

344 (b) the average grade given in each math, science, and English course in grades 9
345 through 12 for which criteria-referenced tests are required under Section 53A-1-603;

346 (c) incidents of student discipline as defined by State Board of Education rule,
347 including suspensions, expulsions, and court referrals; and

348 (d) the number and percent of students receiving fee waivers and the total dollar
349 amount of fees waived.

350 (4) (a) The State Board of Education shall adopt common definitions and data
351 collection procedures for local school boards and charter schools to use in collecting and
352 forwarding the data required under Subsections (2) and (3) to the state superintendent of public
353 instruction.

354 (b) The state board, through the state superintendent of public instruction, shall adopt
355 standard reporting forms and provide a common template for collecting and reporting the data,
356 which shall be used by all school districts and charter schools.

357 (c) The state superintendent shall use the automated decision support system referred to
358 in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).

359 (5) [~~(a) For the school year ending June 30, 2003, and for each year thereafter, the~~] The
360 state board, through the state superintendent of public instruction, shall issue its report annually
361 by October 1 to include the required data from the previous school year or years as indicated in
362 Subsections (2) and (3).

363 [~~(b) The state board shall determine the nature and extent of longitudinal data to be~~
364 ~~reported under Subsections (2)(b), (c), and (d) and (3)(a) during the first three years of the~~
365 ~~reporting program, with the baseline reporting year beginning July 1, 2002 and ending June 30,~~

366 2003.]

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

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

375 Section 7. **Repealer.**

376 This bill repeals:

377 Section **53A-1-606, Mastery of reading skills.**