

1 **STUDENT ACHIEVEMENT TESTING**

2 **EXCEPTIONS**

3 2008 SECOND SPECIAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Howard A. Stephenson**

6 House Sponsor: Merlynn T. Newbold

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**LONG TITLE**

8 **Committee Note:**

9 The Education Interim Committee recommended this bill.

10 **General Description:**

11 This bill allows the State Board of Education to exempt a school district or charter  
12 school from testing requirements under the Utah Performance Assessment System for  
13 Students (U-PASS) under certain circumstances.

14 **Highlighted Provisions:**

15 This bill:

16 ▶ allows the State Board of Education to exempt a school district or charter school  
17 from testing requirements under the Utah Performance Assessment System for  
18 Students (U-PASS) if the school district or charter school pilots an assessment  
19 system that incorporates:  
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- 21 • online classroom-based assessment that utilizes adaptive testing in all grades;
- 22 • online writing assessment in grades 4 through 12; and
- 23 • assessments administered in grades 8, 10, and 11 to determine readiness for

24 postsecondary education;

25 ▶ provides that a school district or charter school that is exempt from U-PASS testing  
26 requirements is subject to an accountability plan and high school graduation  
27 standards developed and adopted by the State Board of Education; and



28           ▶ provides that a student enrolled in a school district or charter school that is exempt  
29 from administering the tenth grade basic skills competency test is subject to high  
30 school graduation standards adopted by the State Board of Education.

31 **Monies Appropriated in this Bill:**

32           None

33 **Other Special Clauses:**

34           This bill provides an immediate effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37           **53A-1-603**, as last amended by Laws of Utah 2007, Chapter 244

38           **53A-1-611**, as last amended by Laws of Utah 2008, Chapter 382



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

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

41           **53A-1-603. Duties of State Board of Education.**

42           (1) [~~The~~] Except as provided in Subsection (5), the State Board of Education shall:

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

45           (b) require the state superintendent of public instruction to submit and recommend  
46 criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills  
47 competency test, a direct writing assessment for grades 6 and 9, and a test for students in grade  
48 3 to measure reading grade level to the board for approval and adoption and distribution to  
49 each school district and charter school by the state superintendent;

50           (c) develop an assessment method to uniformly measure statewide performance, school  
51 district performance, and school performance of students in grades 2 through 12 in mastering  
52 basic skills courses; and

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

55           (2) [~~Under~~] Except as provided in Subsection (5), under U-PASS, the state office shall  
56 annually require that each district and charter school, as applicable, administer:

57           (a) a statewide norm-referenced test to all students in grades 3, 5, and 8;

59 (b) statewide criterion-referenced tests in grades 2 through 12 and courses in basic skill  
60 areas of the core curriculum;

61 (c) a direct writing assessment to all students in grades 6 and 9;

62 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611; and

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

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

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

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

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

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

76 (i) an annual review of those scores by parents of students and professional and other  
77 appropriate staff at the classroom level at the earliest point in time;

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

80 (iii) a teacher to review, prior to the beginning of a new school year, test scores from  
81 the previous school year of students who have been assigned to the teacher's class for the new  
82 school year; and

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

87 (e) providing that:

88 (i) scores on the tests and assessments required under Subsection (2)(b) shall be  
89 considered in determining a student's academic grade for the appropriate course and whether a

90 student shall advance to the next grade level; and

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

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

95 (5) (a) The State Board of Education may exempt a school district or charter school  
96 from the testing requirements specified in Subsection (2) if the school district or charter school  
97 pilots an assessment system that incorporates:

98 (i) online classroom-based assessment that utilizes adaptive testing in all grades;

99 (ii) online writing assessments in grades 4 through 12; and

100 (iii) assessments administered in grades 8, 10, and 11 to determine readiness for  
101 postsecondary education.

102 (b) A school district or charter school that receives an exemption under Subsection  
103 (5)(a) is subject to an accountability plan and high school graduation standards that are:

104 (i) based on the assessment system described in Subsections (5)(a)(i) through (iii); and

105 (ii) developed and adopted by the State Board of Education.

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

107 **53A-1-611. Standards and assessment processes to measure student performance**  
108 **-- Basic skills competency test.**

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

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

115 (b) [A] Except as provided in Subsection (5), a student must pass the basic skills  
116 competency test, in addition to the established requirements of the state and local board of  
117 education of the district in which the student attends school, in order to receive a basic high  
118 school diploma of graduation.

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

121 (d) [A] Except as provided in Subsection (5), a student who fails to pass all  
122 components of the test may not receive a basic high school diploma but may receive a  
123 certificate of completion or alternative completion diploma under rules made by the State  
124 Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
125 Act.

126 (e) The state board shall make rules:  
127 (i) to allow students who initially fail the test to retake all or part of the test; and  
128 (ii) that take into account and are consistent with federal law relating to students with  
129 disabilities in the administration of the test.

130 (3) The state board shall implement the tenth grade basic skills competency test, no  
131 later than the beginning of the 2003-04 school year.

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

134 (5) A student enrolled in a school district or charter school that is exempt from  
135 administering the tenth grade basic skills competency test is subject to high school graduation  
136 standards adopted by the State Board of Education pursuant to Section 53A-1-603.

137 **Section 3. Effective date.**

138 If approved by two-thirds of all the members elected to each house, this bill takes effect  
139 upon approval by the governor, or the day following the constitutional time limit of Utah  
140 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
141 the date of veto override.

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**Legislative Review Note**  
as of 9-24-08 3:45 PM

**Office of Legislative Research and General Counsel**

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**S.B. 2002 - Student Achievement Testing Exceptions**

**Fiscal Note**

2008 Second Special Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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