

HB0234

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Education Testing Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Karianne Lisonbee
Senate Sponsor:

General Description:

Highlighted Provisions:

- ▶ defines terms;
- ▶ creates the Alternative Statewide Testing Pilot Program to allow a local education agency (LEA) to administer alternative statewide testing;

- ▶ creates a sunset for the pilot program;
- ▶ requires the State Board of Education to select a provider through the procurement process;
- ▶ **creates certain requirements for an LEA participating in the pilot program;**
- ▶ requires a report to the Education Interim Committee; and
- ▶ makes technical and conforming changes.

None

Other Special Clauses:

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This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53E-1-201 (Effective 07/01/26) (Partially Repealed 07/01/27), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

53E-4-303 (Effective 07/01/26), as last amended by Laws of Utah 2025, Chapter 289

63I-1-253 (Effective 07/01/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

ENACTS:

53E-4-316 (Effective 07/01/26), Utah Code Annotated 1953

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

Section 1. Section **53E-1-201** is amended to read:

53E-1-201. Reports to and action required of the Education Interim Committee.

- (1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Education Interim Committee:
- (a) the report described in Section 9-22-109 by the STEM Action Center Board, including the information described in Section 9-22-113 on the status of the computer science initiative and Section 9-22-114 on the Computing Partnerships Grants Program;
 - (b) the prioritized list of data research described in Section 53H-15-303 and the report on research and activities described in Section 53H-15-305 by the Utah Data Research Center;
 - (c) the report described in Section 53H-1-203 by the Utah Board of Higher Education on career and technical education issues and addressing workforce needs;
 - (d) the annual report of the Utah Board of Higher Education described in Section 53H-1-203;
 - (e) the reports described in Section 53H-7-603 by the Utah Board of Higher Education regarding activities related to campus safety;
 - (f) the State Superintendent's Annual Report by the state board described in Section 53E-1-203;
 - (g) the annual report described in Section 53E-2-202 by the state board on the strategic plan to improve student outcomes;
 - (h) the report described in Section 53E-3-501 by the state board on students in an LEA who receive academic credit through the packet method;

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- 55 (i) the report described in Section 53E-4-316 by the state board regarding implementation and outcomes
56 of the Alternative Statewide Testing Pilot Program;
- 57 ~~[(i)]~~ (j) the report described in Section 53E-8-204 by the state board on the Utah Schools for the Deaf
58 and the Blind;
- 59 ~~[(j)]~~ (k) the report described in Section 53E-10-703 by the Utah Leading through Effective, Actionable,
60 and Dynamic Education director on research and other activities;
- 62 ~~[(k)]~~ (l) the report described in Section 53F-2-522 regarding mental health screening programs;
- 64 ~~[(l)]~~ (m) the report described in Section 53F-4-203 by the state board and the independent evaluator on
65 an evaluation of early interactive reading software;
- 66 ~~[(m)]~~ (n) the report described in Section 53F-6-412 by the program manager of the Utah Fits All
67 Scholarship Program;
- 68 ~~[(n)]~~ (o) the report described in Section 63N-20-107 by the Governor's Office of Economic Opportunity
69 on UPSTART;
- 70 ~~[(o)]~~ (p) the report described in Section 53F-5-215 by the state board related to a grant for an
71 elementary teacher preparation assessment;
- 72 ~~[(p)]~~ (q) upon request, the report described in Section 53F-5-219 by the state board on the Local
73 Innovations Civics Education Pilot Program;
- 74 ~~[(q)]~~ (r) the report described in Section 53F-5-405 by the state board regarding an evaluation of a
75 partnership that receives a grant to improve educational outcomes for students who are low-income;
- 77 ~~[(r)]~~ (s) the report described in Section 53H-1-604 regarding the Higher Education and Corrections
78 Council;
- 79 ~~[(s)]~~ (t) the report described in Section 53G-7-221 by the state board regarding innovation plans; and
- 81 ~~[(t)]~~ (u) the reports described in Section 53F-6-412 regarding the Utah Fits All Scholarship Program.
- 83 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are
84 due to the Education Interim Committee:
- 85 (a) in 2027, 2030, 2033, and 2035, the reports described in Sections 53H-1-502, 53H-1-503, and
86 53H-1-504;
- 87 (b) in 2025, the report described in Section 53H-6-203 by a degree-granting institution regarding
88 policies on abusive coaching practices;
- 89 (c) if required, the report described in Section 53E-4-309 by the state board explaining the reasons for
90 changing the grade level specification for the administration of specific assessments;

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- (d) if required, the report described in Section 53E-5-210 by the state board of an adjustment to the minimum level that demonstrates proficiency for each statewide assessment;
 - (e) the report described in Section 53E-10-702 by Utah Leading through Effective, Actionable, and Dynamic Education;
 - (f) if required, the report described in Section 53F-2-513 by the state board evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in high-poverty schools;
 - (g) upon request, the report described in Section 53F-10-303 by the state board regarding the Rural School Sports Facilities Grant Program;
 - (h) upon request, a report described in Section 53G-7-222 by an LEA regarding expenditure of a percentage of state restricted funds to support an innovative education program;
 - (i) the reports described in Section 53G-11-304 by the state board regarding proposed rules and results related to educator exit surveys; and
 - (j) the report described in Section 26B-5-113 by the Office of Substance Use and Mental Health, the state board, and the Department of Health and Human Services regarding recommendations related to Medicaid reimbursement for school-based health services.
- (3) In accordance with applicable provisions and Section 68-3-14, every five years the Education Interim Committee shall review the programs described in the following sections of code:
- (a) beginning July 1, 2027, Title 53E, Chapter 10, Part 3, Concurrent Enrollment;
 - (b) beginning July 1, 2027, Section 53F-2-408, Enhancement for Accelerated Students Program;
 - (c) beginning July 1, 2027, Section 53F-2-409, Concurrent enrollment funding;
 - (d) beginning July 1, 2027, Section 53F-2-415, Student health and counseling support -- Qualifying personnel -- Distribution formula -- Rulemaking;
 - (e) beginning July 1, 2028, Section 53F-2-416, Appropriation and distribution for the Teacher and Student Success Program;
 - (f) beginning July 1, 2028, Section 53F-2-510, Digital Teaching and Learning Grant Program;
 - (g) beginning July 1, 2028, Section 53F-9-306, Teacher and Student Success Account;
 - (h) beginning July 1, 2028, Title 53G, Chapter 7, Part 13, Teacher and Student Success Program; and
 - (i) beginning July 1, 2029, Section 53F-2-502, Dual language immersion.

Section 2. Section **53E-4-303** is amended to read:

53E-4-303. Utah standards assessments -- Administration -- Review committee.

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- (1) As used in this section, "computer adaptive assessment" means an assessment that measures the range of a student's ability by adapting to the student's responses, selecting more difficult or less difficult questions based on the student's responses.
- (2) The state board shall:
- (a) adopt a standards assessment that:
- (i) measures a student's proficiency in:
- (A) mathematics for students in each of grades 3 through 8 until July 1, 2026, and 3 through 10 after July 1, 2026;
- (B) English language arts for students in each of grades 3 through 8 until July 1, 2026, and 3 through 10 after July 1, 2026;
- (C) science for students in each of grades 4 through 8 until July 1, 2026, and 4 through 10 after July 1, 2026; and
- (D) writing for students in at least grades 5 and 8; and
- (ii) except for the writing measurement described in Subsection (2)(a)(i)(D), is a computer adaptive assessment; and
- (b) ensure that an assessment described in Subsection (2)(a) is:
- (i) a criterion referenced assessment;
- (ii) administered online;
- (iii) aligned with the core standards for Utah public schools; and
- (iv) adaptable to personalized, competency-based learning, as that term is defined in Section 53F-5-501.
- (3) A school district or charter school shall[-] ; or
- (a) annually administer the standards assessment adopted by the state board under Subsection (2) to all students in the subjects and grade levels described in Subsection (2)[-] ; or
- (b) administer the alternative assessment in accordance with the requirements of the Alternative Statewide Testing Pilot Program, created in Section 53E-4-316.
- (4)
- (a) Except as provided in Subsection (4)(b), a student's score on the standards assessment adopted under Subsection (2) may not be considered in determining:
- (i) the student's academic grade for a course; or
- (ii) whether the student may advance to the next grade level.

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(b) A teacher may use a student's score on the standards assessment adopted under Subsection (2) to improve the student's academic grade for or demonstrate the student's competency within a relevant course.

(5)

(a) The state board shall establish a committee consisting of 15 parents of Utah public education students to review all standards assessment questions except from an alternative assessment administered under the Alternative Statewide Testing Pilot Program, created in Section 53E-4-316.

(b) The committee established in Subsection (5)(a) shall include the following parent members:

(i) five members appointed by the chair of the state board;

(ii) five members appointed by the speaker of the House of Representatives or the speaker's designee; and

(iii) five members appointed by the president of the Senate or the president's designee.

(c) The state board shall provide staff support to the parent committee.

(d) The term of office of each member appointed in Subsection (5)(b) is four years.

(e) The chair of the state board, the speaker of the House of Representatives, and the president of the Senate shall adjust the length of terms to stagger the terms of committee members so that approximately half of the committee members are appointed every two years.

(f) No member may receive compensation or benefits for the member's service on the committee.

Section 3. Section 3 is enacted to read:

53E-4-316. Alternative Statewide Testing Pilot Program.

(1) As used in this section:

(a) "Alternative assessment" means a computer-adaptive, nationally norm-referenced assessment an educational service organization administers to measure achievement and growth in:

(i) mathematics;

(ii) reading; and

(iii) science.

(b) "Program" means the Alternative Statewide Testing Pilot Program created in Subsection (2).

(2)

(a) There is created a five-year pilot program, known as the Alternative Statewide Testing Pilot Program, to allow an LEA to administer an alternative assessment in place of the end-of-year statewide summative assessment required under Section 53E-4-303 for:

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- 198 (i) English language arts;
199 (ii) mathematics; and
200 (iii) science.
- 201 (b) The program does not include the required writing prompt for grades 5 and 8 described in
 Subsection 53E-4-303(2).
- 203 (3) The state board shall:
- 204 (a) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, qualify one or more providers to
 provide the program to an LEA;
- 206 (b) in selecting a provider described in Subsection (3)(a):
- 207 (i) ensure the provider's assessment complies with the requirements for an alternative assessment
 described in this section;
- 209 (ii) consider how the provider's assessment aligns with core standards for public schools in the state;
 and
- 211 (iii) consider the provider's demonstrated experience over multiple consecutive years in administering
 adaptive, nationally norm-referenced assessments in a state that have been used for accountability
 purposes;
- 214 (c) ensure that scores from the alternative assessment are convertible to the state's proficiency levels by:
- 216 (i) developing or approving conversion tables or methodologies that map national percentile ranks scale
 scores or growth metrics to proficiency levels 1 through 4;
- 218 (ii) ensuring conversions maintain the validity and reliability required under the Every Student
 Succeeds Act, 20 U.S.C. Sec. 6301, et seq., including the ability to disaggregate data by subgroups
 and calculate school performance indicators; and
- 221 (iii) annually validating and publicly reporting on the state board's website the conversion
 methodologies;
- 223 (d) limit participation in the program to:
- 224 (i) school districts with a combined testing enrollment population that does not exceed the following
 percentage of students taking a statewide assessment in related grades:
- 227 (A) before July 1 2029, 10%; and
- 228 (B) after July 1, 2029, 20%; and
- 229 (ii) charter schools with a combined testing enrollment population that does not exceed the following
 percentage of students taking a statewide assessment in related grades:

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- 232 (A) before July 1, 2029, 35%; and
233 (B) after July 1, 2029, 50%; and
234 (e) evaluate the program annually and report to the Education Interim Committee before October 1 of
each year, on:
236 (i) the number of participating LEAs and students;
237 (ii) parent and educator feedback on transparency and utility of the assessment; and
238 (iii) recommendations for the committee related to the program.
240 (4)
239 (4){(a)} To participate in the program, an LEA shall:
240 (a){(i)} notify the state board by applying to the program the state board establishes by rule under
Subsection (6)(a);
242 (b){(ii)} allocate funds from the LEA's budget to pay the provider the state board procures under
Subsection (3)(a), and associated costs to administer the alternative assessment within the LEA;
245 (c){(iii)} administer the alternative assessment to students enrolled in the LEA;
246 (d){(iv)} administer the alternative assessment to a student enrolled in the LEA, in accordance with
the assessment publisher's guidelines and state board rule, during the school year at the beginning,
middle, and end of the school year; and
249 (e){(v)} submit assessment data to the state board in a format compatible with the state's data system
for inclusion in school and LEA accountability calculations.
252 (b) The state board may deduct from the state board's distributions to an LEA under the Minimum
School Program, as that term is defined in Section 53F-2-102, to cover state board costs of an LEA
participating in the program.
251 (5) An LEA participating in the program shall:
252 (a) issue individual student reports to a parent no later than 30 days after the date of each administration
of the assessment including the student's:
254 (i) percentile rank;
255 (ii) growth measures; and
256 (iii) converted proficiency level;
257 (b) post aggregated, nonpersonally identifiable results on the LEA's public website no later than 60 days
after the date of the end-of-year administration of the assessment; and
260 (c) make converted data available to the state board for statewide reporting.

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(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules, including rules to:

(a) create an application process for an LEA to participate in the program;

(b) create reporting requirements for an LEA participating in the program;

(c) ensure compliance with federal assessment requirements under the Every Student Succeeds Act, 20 U.S.C. Sec. 6301, et seq.; and

(d) address accommodations for a student with:

(i) disabilities;

(ii) English learners; and

(iii) other subgroups.

Section 4. Section **63I-1-253** is amended to read:

63I-1-253. Repeal dates: Titles 53 through 53G.

(1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is repealed July 1, 2028.

(2) Section 53-2a-105, Emergency Management Administration Council created -- Function -- Composition -- Expenses, is repealed July 1, 2029.

(3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation, is repealed July 1, 2030.

(4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is repealed July 1, 2027.

(5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.

(6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership -- Expenses, is repealed July 1, 2029.

(7) Section 53-2d-503, Establishment of maximum rates, is repealed July 1, 2027.

(8) Section 53-5a-302, Concealed Firearm Review Board -- Membership -- Compensation -- Terms -- Duties, is repealed July 1, 2029.

(9) Section 53-11-104, Board, is repealed July 1, 2029.

(10) Title 53, Chapter 31, Department Interaction With Local Law Enforcement, is repealed July 1, 2027.

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(11) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.

293 (12) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections Council, is repealed
July 1, 2027.

295 (13) Subsection 53E-2-304(6), regarding foreclosing a private right of action or waiver of governmental
immunity, is repealed July 1, 2027.

297 (14) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is repealed July 1,
2027.

299 (15) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is repealed July 1,
2027.

301 (16) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed January 1, 2028.

303 (17) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.

304 (18) Section 53E-4-316, Alternative Statewide Testing Pilot Program, is repealed July 1, 2031.

306 [~~(18)~~] (19) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed
July 1, 2033.

308 [~~(19)~~] (20) Subsection 53E-7-207(7), regarding a private right of action or waiver of governmental
immunity, is repealed July 1, 2027.

310 [~~(20)~~] (21) Section 53F-5-215, Elementary teacher preparation assessment grant, is repealed July 1,
2028.

312 [~~(21)~~] (22) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is repealed July 1,
2026.

314 [~~(22)~~] (23) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July 1, 2027.

316 [~~(23)~~] (24) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is repealed
January 1, 2025.

318 [~~(24)~~] (25) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is repealed
January 1, 2025.

320 [~~(25)~~] (26) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

321 [~~(26)~~] (27) Subsection 53G-9-703(4), regarding the parental video presentation concerning student use
of technology, is repealed January 1, 2030.

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[~~(27)~~] (28) Subsection 53H-1-402(1)(j), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.

325 [~~(28)~~] (29) Section 53H-1-604, Higher Education and Corrections Council, is repealed July 1, 2027.

327 [~~(29)~~] (30) Subsection 53H-4-210(3), regarding the creation of the SafeUT and School Safety Commission, is repealed January 1, 2030.

329 [~~(30)~~] (31) Subsection 53H-4-210(4), regarding the appointment of the members of the SafeUT and School Safety Commission, is repealed January 1, 2030.

331 [~~(31)~~] (32) Subsection 53H-4-210(5), regarding the attorney general designating the chair of the SafeUT and School Safety Commission, is repealed January 1, 2030.

333 [~~(32)~~] (33) Subsection 53H-4-210(6), regarding the quorum requirements of the SafeUT and School Safety Commission, is repealed January 1, 2030.

335 [~~(33)~~] (34) Subsection 53H-4-210(7), regarding a formal action of the SafeUT and School Safety Commission, is repealed January 1, 2030.

337 [~~(34)~~] (35) Subsection 53H-4-210(8), regarding compensation for members of the SafeUT and School Safety Commission, is repealed January 1, 2030.

339 [~~(35)~~] (36) Subsection 53H-4-210(9), regarding the support staff for the SafeUT and School Safety Commission, is repealed January 1, 2030.

341 [~~(36)~~] (37) Section 53H-4-306.1, Definitions -- Electrification of Transportation Infrastructure Research Center, is repealed July 1, 2028.

343 [~~(37)~~] (38) Section 53H-4-306.2, Electrification of Transportation Infrastructure Research Center -- Designation -- Duties, is repealed July 1, 2028.

345 [~~(38)~~] (39) Section 53H-4-306.3, Electrification of Transportation Infrastructure Research Center -- Steering committee, is repealed July 1, 2028.

347 [~~(39)~~] (40) Section 53H-4-306.4, Electrification of Transportation Infrastructure Research Center -- Industry advisory board, is repealed July 1, 2028.

349 [~~(40)~~] (41) Section 53H-4-306.5, Electrification of Transportation Infrastructure Research Center -- Duties of the project director, is repealed July 1, 2028.

351 [~~(41)~~] (42) Section 53H-4-306.6, Electrification of Transportation Infrastructure Research Center -- Project development and strategic objectives -- Reporting requirements, is repealed July 1, 2028.

354 [~~(42)~~] (43) Section 53H-4-307.1, Center for Civic Excellence, is repealed July 1, 2030.

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[~~(43)~~] (44) Section 53H-4-307.2, Center for Civic Excellence -- Duties -- Authority, is repealed July 1, 2030.

357 [~~(44)~~] (45) Section 53H-4-307.3, Center for Civic Excellence -- Leadership, is repealed July 1, 2030.

359 [~~(45)~~] (46) Section 53H-4-307.4, Center for Civic Excellence -- Faculty, is repealed July 1, 2030.

361 [~~(46)~~] (47) Section 53H-4-307.5, Center for Civic Excellence -- Curriculum, is repealed July 1, 2030.

363 [~~(47)~~] (48) Section 53H-4-307.6, Center for Civic Excellence -- Oversight -- Reporting, is repealed July 1, 2030.

365 [~~(48)~~] (49) Section 53H-4-313, Food Security Council, is repealed July 1, 2027.

366 [~~(49)~~] (50) Section 53H-8-305, Five-year performance goals, is repealed July 1, 2027.

367 [~~(50)~~] (51) Title 53H, Chapter 10, Part 4, Education Savings Incentive Program, is repealed July 1, 2028.

373 Section 5. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

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