

Effective 1/24/2018

**Part 3
Assessments**

53E-4-301 Definitions.

As used in this part:

- (1) "Core standards for Utah public schools" means the standards established by the state board as described in Section 53E-4-202.
- (2) "Statewide assessment" means one or more of the following, as applicable:
 - (a) a standards assessment described in Section 53E-4-303;
 - (b) a high school assessment described in Section 53E-4-304;
 - (c) a college readiness assessment described in Section 53E-4-305; or
 - (d) an assessment of students in grade 3 to measure reading grade level described in Section 53E-4-307.

Amended by Chapter 186, 2019 General Session

53E-4-301.5 Legislative intent.

- (1) In enacting this part, the Legislature intends to determine the effectiveness of school districts and schools in assisting students to master the fundamental educational skills toward which instruction is directed.
- (2) The state board shall ensure that a statewide assessment provides the public, the Legislature, the state board, school districts, public schools, and school teachers with:
 - (a) evaluative information regarding the various levels of proficiency achieved by students, so that they may have an additional tool to plan, measure, and evaluate the effectiveness of programs in the public schools; and
 - (b) information to recognize excellence and to identify the need for additional resources or to reallocate educational resources in a manner to ensure educational opportunities for all students and to improve existing programs.

Amended by Chapter 186, 2019 General Session

53E-4-302 Statewide assessments -- Duties of the state board.

- (1) The state board shall:
 - (a) require the state superintendent to:
 - (i) submit and recommend statewide assessments to the state board for adoption by the state board; and
 - (ii) distribute the statewide assessments adopted by the state board to a school district or charter school;
 - (b) provide for the state to participate in the National Assessment of Educational Progress state-by-state comparison testing program; and
 - (c) require a school district or charter school to administer statewide assessments.
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules for the administration of statewide assessments.
- (3) The state board shall ensure that statewide assessments are administered in compliance with the requirements of Chapter 9, Student Privacy and Data Protection.

Amended by Chapter 408, 2020 General Session

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

- (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;
 - (B) English language arts for students in each of grades 3 through 8;
 - (C) science for students in each of grades 4 through 8; 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 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).
- (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.
 - (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.
 - (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.

Amended by Chapter 129, 2021 General Session

53E-4-304 High school assessments.

- (1) The state board shall adopt a high school assessment that:
 - (a) is predictive of a student's college readiness as measured by the college readiness assessment described in Section 53E-4-305; and
 - (b) provides a growth score for a student from grade 9 to 10.
- (2) A school district or charter school shall annually administer the high school assessment adopted by the state board under Subsection (1) to all students in grades 9 and 10.
- (3) A teacher may use a student's score on the high school assessment adopted under Subsection (1) to improve the student's academic grade for or demonstrate the student's competency within a relevant course.

Amended by Chapter 186, 2019 General Session

Amended by Chapter 202, 2019 General Session

53E-4-305 College readiness assessments.

- (1) The Legislature recognizes the need for the state board to develop and implement standards and assessment processes to ensure that student progress is measured and that LEA governing boards and school personnel are accountable.
- (2) The state board shall adopt a college readiness assessment for secondary students that:
 - (a) is the college readiness assessment most commonly submitted to local universities; and
 - (b) may include:
 - (i) the Armed Services Vocational Aptitude Battery; or
 - (ii) a battery of assessments that are predictive of success in higher education.
- (3)
 - (a) Except as provided in Subsection (3)(b), a school district or charter school shall annually administer the college readiness assessment adopted under Subsection (2) to all students in grade 11.
 - (b) A student with an IEP may take an appropriate college readiness assessment other than the assessment adopted by the state board under Subsection (2), as determined by the student's IEP.
- (4) A teacher may use a student's score on the college readiness assessment adopted under Subsection (2) to improve the student's academic grade for or demonstrate the student's competency within a relevant course.
- (5) In accordance with Section 53F-4-202, the state board shall contract with a provider to provide an online college readiness diagnostic tool.

Amended by Chapter 186, 2019 General Session

Amended by Chapter 202, 2019 General Session

53E-4-307 Benchmark assessments in reading -- Report to parent.

- (1) As used in this section:
 - (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill, or ability.
 - (b) "Diagnostic assessment" means an assessment that measures key literacy skills, including phonemic awareness, sound-symbol recognition, alphabet knowledge, decoding and

encoding skills, and comprehension, to determine a student's specific strengths and weaknesses in a skill area.

- (c) "Dyslexia" means a learning disorder that:
 - (i) is neurological in origin and is characterized by difficulties with:
 - (A) accurate or fluent word recognition; and
 - (B) poor spelling and decoding abilities; and
 - (ii) typically results from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.
- (d) "Evidence-based" means the same as that term is defined in Section 53G-11-303.
- (e) "Evidence-informed" means the same as that term is defined in Section 53G-11-303.
- (2) The state board shall approve a benchmark assessment for use statewide by school districts and charter schools to assess the reading competency of students in grades 1 through 6 as provided by this section.
- (3) A school district or charter school shall:
 - (a) administer benchmark assessments to students in grades 1, 2, and 3 at the beginning, middle, and end of the school year using the benchmark assessment approved by the state board; and
 - (b) after administering a benchmark assessment, report the results to a student's parent.
- (4)
 - (a) If a benchmark assessment or supplemental reading assessment indicates a student lacks competency in a reading skill, is demonstrating characteristics of dyslexia, or is lagging behind other students in the student's grade in acquiring a reading skill, the school district or charter school shall:
 - (i) administer diagnostic assessments to the student;
 - (ii) using data from the diagnostic assessment, provide specific, focused, and individualized intervention or tutoring to develop the reading skill;
 - (iii) administer formative assessments and progress monitoring at recommended levels for the benchmark assessment to measure the success of the focused intervention;
 - (iv) inform the student's parent of activities that the parent may engage in with the student to assist the student in improving reading proficiency;
 - (v) provide information to the parent regarding appropriate interventions available to the student outside of the regular school day that may include tutoring, before and after school programs, or summer school; and
 - (vi) provide instructional materials that are evidence-informed for core instruction and evidence-based for intervention and supplemental instruction.
 - (b) Nothing in this section or in Section 53F-4-203 or 53G-11-303 requires a reading software product to demonstrate the statistically significant effect size described in Subsection 53G-11-303(1)(a) in order to be used as an instructional material described in Subsection (4)(a)(vi).
- (5)
 - (a) In accordance with Section 53F-4-201 and except as provided in Subsection (5)(b), the state board shall contract with one or more educational technology providers for a benchmark assessment system for reading for students in kindergarten through grade 6.
 - (b) If revenue is insufficient for the benchmark assessment system for the grades described in Subsection (5)(a), the state board shall first prioritize funding a benchmark assessment for students in kindergarten through grade 3.

- (6) A student with dyslexia is only eligible for special education services if the student meets federal eligibility criteria.

Amended by Chapter 60, 2024 General Session

53E-4-307.5 Mathematics benchmark assessment.

- (1) As used in this section, "early mathematics benchmark assessment" or "benchmark assessment" means a standardized assessment to measure the acquisition of mathematics skills in kindergarten and grades 1 through 3 that includes predictive indicators of academic achievement based on measures of early mathematics, computation, and problem solving.
- (2) The state board may approve a benchmark assessment for use statewide by LEAs to assess the mathematics competency of students in kindergarten and grades 1 through 3.
- (3) If the state board approves a benchmark assessment for statewide use under Subsection (2), an LEA shall:
 - (a) administer benchmark assessments to students at the beginning, middle, and end of the school year using the mathematics benchmark assessment in:
 - (i) kindergarten, as an optional assessment; and
 - (ii) grades 1 through 3, as a required assessment; and
 - (b) after administering a benchmark assessment described in Subsection (3)(a) to a student, report the results to the student's parent.
- (4) In making the approval described in Subsection (2), the state board shall:
 - (a) prioritize the assessment's reliability, validity, speed, and efficiency; and
 - (b) ensure the mathematics benchmark assessment's ability to:
 - (i) identify students who may be at risk for mathematics difficulties; and
 - (ii) measure students' progress through data.

Amended by Chapter 14, 2020 Special Session 5

53E-4-308 Unique student identifier -- Coordination of higher education and public education information technology systems -- Coordination of preschool and public education information technology systems.

- (1) As used in this section, "unique student identifier" means an alphanumeric code assigned to each public education student for identification purposes, which:
 - (a) is not assigned to any former or current student; and
 - (b) does not incorporate personal information, including a birth date or Social Security number.
- (2) The state board, through the state superintendent, shall assign each public education student a unique student identifier, which shall be used to track individual student performance on achievement tests administered under this part.
- (3) The state board and the Utah Board of Higher Education, in collaboration with the Utah Data Research Center created in Section 53B-33-201, shall:
 - (a) coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53B-1-109; and
 - (b) coordinate access to the unique student identifier of a public education student who later attends an institution within the state system of higher education.
- (4)

- (a) The state board and the Department of Workforce Services shall coordinate assignment of a unique student identifier to each student enrolled in a program described in Title 35A, Chapter 15, Preschool Programs.
- (b) A unique student identifier assigned to a student under Subsection (4)(a) shall remain the student's unique student identifier used by the state board when the student enrolls in a public school in kindergarten or a later grade.
- (c) The Governor's Office of Economic Opportunity, the state board, the Department of Workforce Services, and a contractor as defined in Section 63N-20-101, shall coordinate access to the unique student identifier of a preschool student who later attends an LEA.

Amended by Chapter 380, 2023 General Session

53E-4-309 Grade level specification change.

- (1) The state board may change a grade level specification for the administration of specific assessments under this part to a different grade level specification or a competency-based specification if the specification is more consistent with patterns of school organization.
- (2)
 - (a) If the state board changes a grade level specification described in Subsection (1), the state board shall submit a report to the Education Interim Committee explaining the reasons for changing the grade level specification.
 - (b) The state board shall submit the report at least six months before the anticipated change.

Amended by Chapter 186, 2019 General Session

Amended by Chapter 324, 2019 General Session

53E-4-310 Scoring -- Reports of results.

- (1) For a statewide assessment that requires the use of a student answer sheet, a local school board or charter school governing board shall submit all answer sheets on a per-school and per-class basis to the state superintendent for scoring unless the assessment requires scoring by a national testing service.
- (2) The district, school, and class results of the statewide assessments, but not the score or relative position of individual students, shall be reported to each local school board or charter school governing board annually at a regularly scheduled meeting.
- (3) A local school board or charter school governing board:
 - (a) shall make copies of the report available to the general public upon request; and
 - (b) may charge a fee for the cost of copying the report.
- (4)
 - (a) The state board shall annually provide to school districts and charter schools a comprehensive report for each of the school district's and charter school's students showing the student's statewide assessment results for each year that the student took a statewide assessment.
 - (b) A school district or charter school shall give a copy of the comprehensive report to the student's parents and make the report available to school staff, as appropriate.

Amended by Chapter 186, 2019 General Session

53E-4-311 Analysis of results -- Staff professional development.

- (1) The state board, through the state superintendent, shall develop an online data reporting tool to analyze the results of statewide assessments.
- (2) The online data reporting tool shall include components designed to:
 - (a) assist school districts and individual schools to use the results of the analysis in planning, evaluating, and enhancing programs;
 - (b) identify schools not achieving state-established acceptable levels of student performance in order to assist those schools in improving student performance levels; and
 - (c) provide:
 - (i) for statistical reporting of statewide assessment results at state, school district, school, and grade or course levels; and
 - (ii) actual levels of performance on statewide assessments.
- (3) A local school board or charter school governing board shall provide for:
 - (a) evaluation of the statewide assessment results and use of the evaluations in setting goals and establishing programs; and
 - (b) a professional development program that provides teachers, principals, and other professional staff with the training required to successfully establish and maintain statewide assessments.
- (4) The state board is not required to identify schools not achieving state-established acceptable levels of student performance as described in Subsection (2)(b) for the 2020-2021 school year.

Amended by Chapter 346, 2021 General Session

53E-4-312 Preparation for tests.

- (1) School district employees may not conduct any specific instruction or preparation of students that would be a breach of testing ethics, such as the teaching of specific test questions.
- (2) School district employees who administer the test shall follow the standardization procedures in the test administration manual for an assessment and any additional specific instructions developed by the state board.
- (3) The state board may revoke the certification of an individual who violates this section.

Amended by Chapter 186, 2019 General Session

53E-4-313 Construction of part.

Nothing in this part shall be construed to mean or represented to require that graduation from a high school or promotion to another grade is in any way dependent upon successful performance of any test administered as a part of the testing program established under this part.

Renumbered and Amended by Chapter 1, 2018 General Session

53E-4-314 School readiness assessment.

- (1) As used in this section:
 - (a) "School readiness assessment" means a preschool assessment that:
 - (i) measures literacy and numeracy; and
 - (ii) beginning with the 2026-2027 school year, measures growth from the beginning of the year to the end of the year.
 - (b) "School readiness program" means a preschool program:
 - (i) in which a student participates in the year before the student is expected to enroll in kindergarten; and

- (ii) that receives funding under Title 35A, Chapter 15, Preschool Programs.
- (2) The state board shall develop or select a school readiness assessment.
- (3) A school readiness program shall:
 - (a) administer to each student who participates in the school readiness program the school readiness assessment at the beginning and end of the student's participation in the school readiness program; and
 - (b) report the results of the assessments described in Subsection (3)(a) to the state board.
- (4) A private care provider or an LEA on behalf of a school that is not participating in the High Quality Readiness Grant Program, as described in Section 35A-15-301 or 35A-15-302, may submit school readiness assessment data to the state board.

Amended by Chapter 525, 2024 General Session

53E-4-315 Waiver of requirement to administer certain assessments.

- (1) A statutory requirement to administer an assessment with which an LEA or the state board has not fully complied at the time of statewide school closures beginning on March 16, 2020, is waived for the 2019-20 school year.
- (2) Nothing in this section prohibits an LEA or the state board from administering an assessment.
- (3) This section supersedes any conflicting provisions of Utah law.

Enacted by Chapter 10, 2020 Special Session 3