

Effective 1/24/2018

**Chapter 4
Academic Standards, Assessments, and Materials**

**Part 1
General Provisions**

53E-4-101 Title.

This chapter is known as "Academic Standards, Assessments, and Materials."

Enacted by Chapter 1, 2018 General Session

**Part 2
Standards**

53E-4-201 Definitions.

Reserved

Enacted by Chapter 1, 2018 General Session

53E-4-202 Core standards for Utah public schools -- Notice and hearing requirements.

- (1)
- (a) In establishing minimum standards related to curriculum and instruction requirements under Section 53E-3-501, the state board shall, in consultation with local school boards, school superintendents, teachers, employers, and parents implement core standards for Utah public schools that will enable students to, among other objectives:
 - (i) communicate effectively, both verbally and through written communication;
 - (ii) apply mathematics; and
 - (iii) access, analyze, and apply information.
 - (b) Except as provided in this public education code, the state board may recommend but may not require a local school board or charter school governing board to use:
 - (i) a particular curriculum or instructional material; or
 - (ii) a model curriculum or instructional material.
- (2) The state board shall, in establishing the core standards for Utah public schools:
- (a) identify the basic knowledge, skills, and competencies each student is expected to acquire or master as the student advances through the public education system; and
 - (b) align with each other the core standards for Utah public schools and the assessments described in Section 53E-4-303.
- (3) The basic knowledge, skills, and competencies identified pursuant to Subsection (2)(a) shall increase in depth and complexity from year to year and focus on consistent and continual progress within and between grade levels and courses in the basic academic areas of:
- (a) English, including explicit phonics, spelling, grammar, reading, writing, vocabulary, speech, and listening; and
 - (b) mathematics, including basic computational skills.
- (4) Before adopting core standards for Utah public schools, the state board shall:

- (a) publicize draft core standards for Utah public schools for the state, as a class A notice under Section 63G-30-102, for at least 90 days;
 - (b) invite public comment on the draft core standards for Utah public schools for a period of not less than 90 days; and
 - (c) conduct three public hearings that are held in different regions of the state on the draft core standards for Utah public schools.
- (5) LEA governing boards shall design their school programs, that are supported by generally accepted scientific standards of evidence, to focus on the core standards for Utah public schools with the expectation that each program will enhance or help achieve mastery of the core standards for Utah public schools.
- (6) Except as provided in Sections 53G-10-103 and 53G-10-402, each school may select instructional materials and methods of teaching, that are supported by generally accepted scientific standards of evidence, that the school considers most appropriate to meet the core standards for Utah public schools.
- (7) The state may exit any agreement, contract, memorandum of understanding, or consortium that cedes control of the core standards for Utah public schools to any other entity, including a federal agency or consortium, for any reason, including:
- (a) the cost of developing or implementing the core standards for Utah public schools;
 - (b) the proposed core standards for Utah public schools are inconsistent with community values; or
 - (c) the agreement, contract, memorandum of understanding, or consortium:
 - (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;
 - (ii) conflicts with Utah law;
 - (iii) requires Utah student data to be included in a national or multi-state database;
 - (iv) requires records of teacher performance to be included in a national or multi-state database; or
 - (v) imposes curriculum, assessment, or data tracking requirements on home school or private school students.
- (8) The state board shall submit a report in accordance with Section 53E-1-203 on the development and implementation of the core standards for Utah public schools, including the time line established for the review of the core standards for Utah public schools by a standards review committee and the recommendations of a standards review committee established under Section 53E-4-203.

Amended by Chapter 435, 2023 General Session

53E-4-203 Standards review committee.

- (1) Subject to Subsection (4), the state board shall establish:
- (a) a time line for the review by a standards review committee of the core standards for Utah public schools for:
 - (i) English language arts;
 - (ii) mathematics;
 - (iii) science;
 - (iv) social studies;
 - (v) fine arts;
 - (vi) physical education and health; and
 - (vii) early childhood education; and

- (b) a separate standards review committee for each subject area described in Subsection (1)(a) to review, and recommend to the state board revisions to, the core standards for Utah public schools for the subject area.
- (2)
 - (a) At least one year before the state board takes formal action to adopt new core standards for Utah public schools, the state board shall establish a standards review committee.
 - (b) The state board shall notify the speaker of the House of Representatives and the president of the Senate at least 30 business days before establishing a standards review committee.
- (3) A standards review committee shall meet at least twice during the time period described in Subsection (2)(a).
- (4) In establishing a time line for the review of core standards for Utah public schools by a standards review committee, the state board shall give priority to establishing a standards review committee to review, and recommend revisions to, the mathematics core standards for Utah public schools.
- (5)
 - (a) The membership of a standards review committee consists of:
 - (i) seven individuals, with expertise in the subject of the core standards being reviewed, appointed by the state board chair, including teachers, business representatives, faculty of higher education institutions in Utah, and others as determined by the state board chair;
 - (ii) except as provided in Subsection (5)(b)(i), five parents of public education students appointed by the speaker of the House of Representatives; and
 - (iii) except as provided in Subsection (5)(b)(ii), five parents of public education students appointed by the president of the Senate.
 - (b) The state board chair may appoint a parent of a public education student to a standards review committee in place of:
 - (i) an appointment described in Subsection (5)(a)(ii), if the speaker of the House of Representatives does not make the appointment within 30 days of the state board providing the notification described in Subsection (2)(b); or
 - (ii) an appointment described in Subsection (5)(a)(iii), if the president of the Senate does not make the appointment within 30 days of the state board providing the notification described in Subsection (2)(b).
- (6) The state board shall provide staff support to a standards review committee.
- (7) A member of a standards review committee may not receive compensation or benefits for the member's service on the standards review committee.
- (8) Among the criteria a standards review committee shall consider when reviewing the core standards for Utah public schools is giving students an adequate foundation to successfully pursue college, technical education, a career, or other life pursuits.
- (9) A standards review committee shall submit, to the state board, comments and recommendations for revision of the core standards for Utah public schools.
- (10) The state board shall take into consideration the comments and recommendations of a standards review committee in adopting the core standards for Utah public schools.
- (11)
 - (a) Nothing in this section prohibits the state board from amending or adding individual core standards for Utah public schools as the need arises in the state board's ongoing responsibilities.
 - (b) If the state board makes changes as described in Subsection (11)(a), the state board shall include the changes in the annual report the state board submits to the Education Interim Committee described in Section 53E-4-202.

Amended by Chapter 296, 2021 General Session

53E-4-204 Standards and graduation requirements.

- (1) The state board shall establish rigorous core standards for Utah public schools and graduation requirements under Section 53E-3-501 for grades 9 through 12 that:
 - (a) are consistent with state law and federal regulations;
 - (b) use competency-based standards and assessments;
 - (c) include instruction that stresses general financial literacy from basic budgeting to financial investments, including bankruptcy education and a general financial literacy test-out option; and
 - (d) include graduation requirements in language arts, mathematics, and science that exceed:
 - (i) 3.0 units in language arts including up to 0.5 units emphasizing verbal communication completed in a course or a school sponsored activity;
 - (ii) 2.0 units in mathematics; and
 - (iii) and 2.0 units in science.
- (2) The state board shall establish competency-based standards and assessments for elective courses.
- (3) The state board shall study requiring all LEAs to issue a high school diploma to students who receive:
 - (a) an associate's degree with at least 60 credit hours from an accredited post-secondary institution; or
 - (b) an industry certification with at least 500 hours of instruction from a business, trade association, or other industry group in accordance with Section 53E-3-501.

Amended by Chapter 346, 2023 General Session

Amended by Chapter 527, 2023 General Session

53E-4-204.1 Ethnic studies core standards and curriculum requirements.

- (1) As used in this section:
 - (a) "Core standards for Utah public schools" or "core standards" means the standards the state board establishes as described in Section 53E-4-202.
 - (b) "Ethnic studies" means the interdisciplinary social and historical study of how different populations have experienced and participated in building the United States of America, including the study of the culture, history, and contributions of Utahns of diverse ethnicities.
 - (c) "Ethnic Studies Commission" means the Ethnic Studies Commission created in Section 63C-28-201.
 - (d) "Utahns of diverse ethnicities" means individuals who are residents of Utah and:
 - (i) Native American;
 - (ii) Alaska Native;
 - (iii) Native Hawaiian;
 - (iv) Pacific Islander;
 - (v) Hispanic or Latino;
 - (vi) Black or African American;
 - (vii) Asian or Asian American; or
 - (viii) from diverse backgrounds and experiences.
- (2)

- (a) The state board shall incorporate ethnic studies into the core standards for Utah public schools.
- (b) Before the state board takes formal action to incorporate ethnic studies into the core standards, the state board shall:
 - (i) consult with the Ethnic Studies Commission; and
 - (ii) submit the proposed core standards incorporating ethnic studies to the Ethnic Studies Commission for review and recommendations.
- (3) In incorporating ethnic studies into the core standards, the state board shall consider, at a minimum:
 - (a) existing core standards that increase cultural awareness of, and focus on the character traits described in Section 53G-10-204 for, all Utah communities;
 - (b) opportunities to recognize and incorporate into the ethnic studies core standards the histories, contributions, and perspectives of Utahns of diverse ethnicities; and
 - (c) recommendations of the Ethnic Studies Commission.
- (4) Subject to legislative appropriations, the state board shall provide funding for professional learning in ethnic studies for teachers.
- (5)
 - (a) By August 1, 2024, an LEA shall select curriculum and instructional materials for teaching ethnic studies to students in kindergarten through grade 12 that:
 - (i) align with the core standards incorporating ethnic studies described in this section; and
 - (ii) are integrated with regular school work.
 - (b) An LEA shall implement an ethnic studies curriculum that, at a minimum:
 - (i) focuses on shared identity and honoring unique cultural differences, including:
 - (A) that each individual student has unique characteristics;
 - (B) the common elements that unite Utahns; and
 - (C) respect for distinct socio-cultural identities; and
 - (ii) includes themes including cultural histories within the context of United States history and global history.
 - (c) An LEA shall:
 - (i) modify or revise as needed the ethnic studies instructional materials and curriculum the LEA selects as described in Subsection (5)(a), to ensure alignment with core standards incorporating ethnic studies; and
 - (ii) submit a report to the state board that provides evidence that the LEA is complying with the requirements of Subsections (5)(a) and (b).
 - (d) In fulfilling the requirements of this section, an LEA may offer a course on ethnic studies.
- (6) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:
 - (a) to develop guidelines and methods for LEAs to more fully incorporate ethnic studies into other core standards for Utah public schools courses; and
 - (b) for the report described in Subsection (5)(c).
- (7) The guidelines and methods described in Subsection (6)(a) may not change:
 - (a) the number of instructional hours required for elementary and secondary students; or
 - (b) the number of instructional hours dedicated to the existing curriculum.

Enacted by Chapter 472, 2022 General Session

53E-4-205 American civics education initiative.

- (1) As used in this section:

- (a) "Adult education program" means an organized educational program below the postsecondary level, other than a regular full-time K-12 secondary education program, provided by an LEA or nonprofit organization that provides the opportunity for an adult to further the adult's high school level education.
 - (b) "Basic civics test" means a test that includes 50 of the questions on the civics test form used by the United States Citizenship and Immigration Services:
 - (i) to determine that an individual applying for United States citizenship meets the basic citizenship skills specified in 8 U.S.C. Sec. 1423; and
 - (ii) in accordance with 8 C.F.R. Sec. 312.2.
- (2)
- (a) Except as provided in Subsection (2)(b), the state board shall require:
 - (i) a public school student who graduates on or after January 1, 2016, to pass a basic civics test as a condition for receiving a high school diploma; and
 - (ii) a student enrolled in an adult education program to pass a basic civics test as a condition for receiving an adult education secondary diploma.
 - (b) The state board may require a public school student to pass an alternate assessment instead of a basic civics test if the student qualifies for an alternate assessment, as defined in state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) An individual who correctly answers a minimum of 35 out of the 50 questions on a basic civics test passes the test and an individual who correctly answers fewer than 35 out of 50 questions on a basic civics test does not pass the test.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
- (a) require an LEA that serves secondary students to administer a basic civics test or alternate assessment to a public school student enrolled in the LEA;
 - (b) require an adult education program provider to administer a basic civics test to an individual who intends to receive an adult education secondary diploma;
 - (c) allow an individual to take a basic civics test as many times as needed in order to pass the test; and
 - (d) for the alternate assessment described in Subsection (2)(b), describe:
 - (i) the content of an alternate assessment;
 - (ii) how a public school student qualifies for an alternate assessment; and
 - (iii) how an LEA determines if a student passes an alternate assessment.

Amended by Chapter 114, 2021 General Session

53E-4-205.1 Waiver of basic civics test graduation requirement.

- (1) As used in this section, "basic civics test" means the same as that term is defined in Section 53E-4-205 or an alternate assessment described in Subsection 53E-4-205(2)(b).
- (2) A student who graduates high school between January 1, 2020, and September 30, 2020, is not required to meet the requirements of Section 53E-4-205 as a condition of receiving a high school diploma if:
 - (a) the student is unable to complete the basic civics test due to public health related school closures;
 - (b) the student's LEA submits an application to the state board for a waiver of the requirement to complete the basic civics test that includes an explanation for why the student was unable to complete the basic civics test due to public health related school closures; and

- (c) the state board grants a waiver requested under Subsection (2)(b).
- (3) The state board may grant a waiver under this section if the state board determines that a student who graduates between January 1, 2020, and September 30, 2020, was unable to complete the basic civics test due to public health related school closures.
- (4) This section supersedes conflicting provisions of Utah law.

Enacted by Chapter 10, 2020 Special Session 3

53E-4-206 Career and college readiness mathematics competency standards.

- (1) As used in this section, "qualifying score" means a score established as described in Subsection (4), that, if met by a student, qualifies the student to receive college credit for a mathematics course that satisfies the state system of higher education quantitative literacy requirement.
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
 - (a)
 - (i) establish the mathematics competency standards described in Subsection (3) as a graduation requirement beginning with the 2016-17 school year; and
 - (ii) include the qualifying scores described in Subsection (4); and
 - (b) establish systematic reporting of college and career ready mathematics achievement.
- (3) In addition to other graduation requirements established by the state board, a student shall fulfill one of the following requirements to demonstrate mathematics competency that supports the student's future college and career goals as outlined in the student's college and career plan:
 - (a) for a student pursuing a college degree after graduation:
 - (i) receive a score that at least meets the qualifying score for:
 - (A) an Advanced Placement calculus or statistics exam;
 - (B) an International Baccalaureate higher level mathematics exam;
 - (C) a college-level math placement test described in Subsection (5);
 - (D) a College Level Examination Program precalculus or calculus exam; or
 - (E) the ACT Mathematics Test; or
 - (ii) receive at least a "C" grade in a concurrent enrollment mathematics course that satisfies the state system of higher education quantitative literacy requirement;
 - (b) for a non college degree-seeking student, the student shall complete appropriate math competencies for the student's career goals as described in the student's college and career plan;
 - (c) for a student with an individualized education program prepared in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., the student shall meet the mathematics standards described in the student's individualized education program; or
 - (d) for a senior student with special circumstances as described in state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the student shall fulfill a requirement associated with the student's special circumstances, as established in state board rule.
- (4) The Utah Board of Higher Education shall, in consultation with the state board, determine qualifying scores for the tests and exams described in Subsection (3)(a)(i).
- (5) The Utah Board of Higher Education shall make a policy to select at least two tests for college-level math placement.

- (6) The Utah Board of Higher Education shall, in consultation with the state board, make policies to:
- (a) develop mechanisms for a student who completes a math competency requirement described in Subsection (3)(a) to:
 - (i) receive college credit; and
 - (ii) satisfy the state system of higher education quantitative literacy requirement;
 - (b) allow a student, upon completion of required high school mathematics courses with at least a "C" grade, entry into a mathematics concurrent enrollment course;
 - (c) increase access to a range of mathematics concurrent enrollment courses;
 - (d) establish a consistent concurrent enrollment course approval process; and
 - (e) establish a consistent process to qualify high school teachers with an upper level mathematics endorsement to teach entry level mathematics concurrent enrollment courses.

Amended by Chapter 365, 2020 General Session

Amended by Chapter 408, 2020 General Session

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) "Evidence-based" means the same as that term is defined in Section 53G-11-303.
 - (d) "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, 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.

Amended by Chapter 20, 2023 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 entry and exit profile that measures literacy, numeracy, and lifelong learning practices developed in a student.
 - (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 a school readiness assessment that aligns with the kindergarten entry and exit assessment described in Section 53G-7-203.
- (3) A school readiness program shall:
 - (a) except as provided in Subsection (4), 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) or (4) to the School Readiness Board created in Section 35A-15-201.
- (4) In place of the assessments described in Subsection (3)(a), a school readiness program that is offered through home-based technology may administer to each student who participates in the school readiness program:
 - (a) a validated computer adaptive pre-assessment at the beginning of the student's participation in the school readiness program; and
 - (b) a validated computer adaptive post-assessment at the end of the student's participation in the school readiness program.
- (5)
 - (a) The following may submit school readiness assessment data to the School Readiness Board created in Section 35A-15-201:
 - (i) a private child care provider; or
 - (ii) an LEA on behalf of a school that is not participating in the High Quality School Readiness Grant Program described in Section 35A-15-301.
 - (b) If a private child care provider or LEA submits school readiness assessment data to the School Readiness Board under Subsection (5)(a), the state board shall include the school readiness assessment data in the report described in Subsection 35A-15-303(5).

Amended by Chapter 316, 2022 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

Part 4
State Instructional Materials Commission

53E-4-401 Definitions.

As used in this part, "instructional materials" means textbooks or materials used as, or in place of, textbooks and which may be used within the state curriculum framework for courses of study by students in public schools, including:

- (1) textbooks;
- (2) workbooks;

- (3) computer software;
- (4) online or Internet courses; and
- (5) audio and video media.

Amended by Chapter 338, 2020 General Session

53E-4-402 Creation of commission -- Powers -- Payment of expenses.

- (1) The state board shall appoint a State Instructional Materials Commission consisting of:
 - (a) the state superintendent or the state superintendent's designee;
 - (b) a school district superintendent;
 - (c) a secondary school principal;
 - (d) an elementary school principal;
 - (e) a secondary school teacher;
 - (f) an elementary school teacher;
 - (g) five persons not employed in public education; and
 - (h) a dean of a school of education of a state college or university.
- (2) The commission shall evaluate instructional materials for recommendation by the state board.
- (3) Members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties shall be paid out of money appropriated to the state board.

Amended by Chapter 186, 2019 General Session

53E-4-403 Commission's evaluation of instructional materials -- Recommendation by the state board.

- (1) Semi-annually after reviewing the evaluations of the commission, the state board shall recommend instructional materials for use in the public schools.
- (2) The standard period of time instructional materials shall remain on the list of recommended instructional materials shall be five years.
- (3) Unsatisfactory instructional materials may be removed from the list of recommended instructional materials at any time within the period applicable to the instructional materials.
- (4) Except as provided in Sections 53G-10-103 and 53G-10-402, each school shall have discretion to select instructional materials for use by the school. A school may select:
 - (a) instructional materials recommended by the state board as provided in this section; or
 - (b) other instructional materials the school considers appropriate to teach the core standards for Utah public schools.

Amended by Chapter 377, 2022 General Session

53E-4-404 Meetings -- Notice.

- (1) The commission shall meet at the call of the state superintendent or the state superintendent's designee.
- (2) Notice of a meeting shall be given as required under Section 52-4-202.

Amended by Chapter 186, 2019 General Session

53E-4-405 Sealed proposals for instructional materials contracts -- Sample copies -- Price of instructional materials.

- (1) As used in this section, the word "sealed" does not preclude acceptance of electronically sealed and submitted bids or proposals in addition to bids or proposals manually sealed and submitted.
- (2) A person seeking a contract to furnish instructional materials for use in the public schools shall submit a sealed proposal to the commission.
- (3) Each proposal must:
 - (a) be accompanied by sample copies of the instructional materials to be reviewed; and
 - (b) include the wholesale price at which the publisher agrees to furnish the instructional materials to districts and schools during the approval period.

Renumbered and Amended by Chapter 1, 2018 General Session

53E-4-406 Awarding instructional materials contracts.

- (1) The state board shall award contracts for furnishing instructional materials.
- (2) If a satisfactory proposal to furnish instructional materials is not received, a new request for proposals may be issued.

Amended by Chapter 186, 2019 General Session

53E-4-407 Illegal acts -- Misdemeanor.

It is a class B misdemeanor for a member of the commission or the state board to receive money or other remuneration as an inducement for the recommendation or introduction of instructional materials into the schools.

Amended by Chapter 186, 2019 General Session

53E-4-408 Instructional materials alignment with core standards for Utah public schools.

- (1) For a school year beginning with or after the 2012-13 school year, a school district may not purchase primary instructional materials unless the primary instructional materials provider:
 - (a) contracts with an independent party to evaluate and map the alignment of the primary instructional materials with the core standards for Utah public schools adopted under Section 53E-3-501;
 - (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public website at no charge, for use by teachers and the general public; and
 - (c) pays the costs related to the requirements of this Subsection (1).
- (2) The requirements under Subsection (1) may not be performed by:
 - (a) the state board;
 - (b) the state superintendent or employees of the state board;
 - (c) the State Instructional Materials Commission appointed pursuant to Section 53E-4-402;
 - (d) a local school board or a school district; or
 - (e) the instructional materials creator or publisher.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish:
 - (a) the qualifications of the independent parties who may evaluate and map the alignment of the primary instructional materials in accordance with the provisions of Subsection (1)(a); and
 - (b) requirements for the detailed summary of the evaluation and its placement on a public website in accordance with the provisions of Subsection (1)(b).

Amended by Chapter 408, 2020 General Session