

1 **ENHANCING ACADEMIC ACHIEVEMENT IN**
2 **PUBLIC SCHOOLS**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Lloyd W. Frandsen**

6 AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING FOR ANNUAL
7 CRITERION-REFERENCED ACHIEVEMENT TESTING OF STUDENTS IN ALL GRADE
8 LEVELS AND NORM-REFERENCED TESTING OF STUDENTS IN GRADES 3, 5, 8, AND
9 10; MODIFYING DEFINITIONS; REQUIRING THE STATE BOARD OF EDUCATION TO
10 DEVELOP ASSESSMENT MECHANISMS FOR DETERMINING DEMONSTRATED
11 COMPETENCY IN COURSES REQUIRED FOR HIGH SCHOOL GRADUATION;
12 PROVIDING FOR AN EXTERNAL EVALUATION OF CORE CURRICULUM CONTENT
13 STANDARDS, OBJECTIVES, AND ASSESSMENTS; AND PROVIDING AN EFFECTIVE
14 DATE.

15 This act affects sections of Utah Code Annotated 1953 as follows:

16 AMENDS:

17 **53A-1-602**, as enacted by Chapter 267, Laws of Utah 1990

18 **53A-1-603**, as enacted by Chapter 267, Laws of Utah 1990

19 **53A-1-604**, as enacted by Chapter 267, Laws of Utah 1990

20 **53A-1-605**, as enacted by Chapter 267, Laws of Utah 1990

21 **53A-1-606**, as last amended by Chapter 254, Laws of Utah 1997

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

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

24 **53A-1-602. Definitions.**

25 As used in this part:

26 (1) "Achievement test" means a standardized test which measures or attempts to measure
27 the level of performance which a student has attained in one or more courses of study.

28 Achievement tests shall include norm-referenced and criterion-referenced tests [~~in basic skills~~
29 ~~courses administered annually by the State Board of Education~~].

30 (2) "Basic skills course" means a subject which requires, among other skills, memorization
31 and mastery of specific functions, including reading, spelling, basic mathematics, [~~science,~~] and
32 effectiveness of written expression.

33 (3) "Testing program" means:

34 (a) systematic norm-referenced achievement testing of all students in grades 3, 5, 8, and
35 [~~11~~] 10 required by this part in all schools within each school district by means of tests designated
36 by the State Board of Education; and

37 (b) criterion-referenced achievement testing of students in all grade levels and courses in
38 basic skill areas of the core curriculum.

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

40 **53A-1-603. Duties of State Board of Education.**

41 (1) The State Board of Education shall:

42 (a) require a testing program in each school district;

43 (b) require the State Office of Education to submit and recommend criterion-referenced
44 and norm-referenced achievement tests to the board for approval and adoption and distribution to
45 [~~the~~] each school [~~districts~~] district by the state office;

46 (c) develop a testing method to obtain an accurate estimate of statewide performance,
47 school district performance, and school performance of students in grades 3, 5, 8, and [~~11~~] 10 in
48 basic skills courses; [~~and~~]

49 (d) provide for the state to participate in the [~~1992 NAEP state~~] National Assessment of
50 Educational Progress state-by-state comparison testing program; and

51 (e) develop assessment mechanisms for determining demonstrated competency in as many
52 subject areas as possible for courses required for high school graduation.

53 (2) Under the testing method, the state office shall annually require that each district
54 administer a statewide norm-referenced test to all students in grades 3, 5, 8, and [~~11~~] 10, and
55 statewide criterion-referenced tests in all grade levels and courses in basic skill areas of the core
56 curriculum.

57 (3) The board shall adopt rules for the conduct and administration of the testing program.

58 [~~(4) School districts shall implement the testing program during the 1990-91 school year.~~]

59 Section 3. Section **53A-1-604** is amended to read:

60 **53A-1-604. Test development, publication, and administration.**

61 (1) The State Board of Education [~~may~~] shall develop, publish, and administer
62 criterion-referenced tests of its own devising[~~, but shall give first consideration to~~] and incorporate
63 existing norm-referenced tests and assessment programs into the statewide testing program.

64 (2) (a) The board may use the expert services of any persons or groups of persons in the
65 public or private sector in evaluating current tests and assessment programs, in developing,
66 publishing, and administering new tests, or both.

67 (b) (i) The board shall commission an external evaluation of the current core curriculum
68 content standards, objectives, and assessments to determine where changes need to be made to
69 improve the standards and objectives for increased academic achievement.

70 (ii) The evaluation, together with any recommended changes, shall be completed by
71 November 1, 1999, and a report made to the Legislative Education Interim Committee at its
72 November interim meeting.

73 Section 4. Section **53A-1-605** is amended to read:

74 **53A-1-605. Analysis of results.**

75 (1) The State Office of Education shall develop a plan to analyze the results of the state
76 testing program scores for [~~grades 5, 8, and 11~~] all grade levels and courses required under Section
77 53A-1-603.

78 (2) The plan shall include a component designed to assist school districts to use the results
79 of the testing program in planning [~~and~~], evaluating, and enhancing programs within the district.

80 (3) The plan shall include provisions for statistical reporting of [~~school and district test~~]
81 averages [based on] as follows:

82 [(a) ~~actual levels of performance on tests; and~~]

83 [(b) ~~performance levels that are statistically corrected for factors such as socioeconomic~~
84 ~~status.~~]

85 (a) norm-referenced tests results shall be reported at the state and district levels, and shall
86 include:

87 (i) actual levels of performance on tests; and

88 (ii) performance levels that are statistically corrected for factors such as socioeconomic
89 status;

90 (b) criterion-referenced tests results shall be reported at state, district, and school levels,
91 and shall include:

92 (i) actual levels of performance on tests; and

93 (ii) performance levels according to preset standards as determined by the State Board of
94 Education.

95 (4) (a) The State Board of Education shall submit to the Legislature, annually, a budget
96 to implement the testing program authorized under this part.

97 (b) As part of the budget recommendation, the state board shall include evaluation of the
98 testing program and proposed modifications if appropriate.

99 Section 5. Section **53A-1-606** is amended to read:

100 **53A-1-606. Conducting of testing programs.**

101 (1) (a) Each local school board shall, in accordance with rules adopted by the State Board
102 of Education, conduct a testing program within the school district.

103 (b) (i) (A) The testing program in grades 1 through 6 shall be used to determine whether
104 the planned instruction has resulted in the student's mastery of reading skills.

105 (B) As used in Subsection (1)(b)(i)(A), planned instruction shall include instructional
106 practices of:

107 (I) early and explicit teaching of phonetic decoding skills;

108 (II) continuous and frequent exposure to a wide range of quality literature;

109 (III) writing to foster and reinforce word recognition, language structure, and experience;

110 and

111 (IV) regular and adequate time to read a wide variety of materials across the curriculum.

112 (ii) If, through the testing, the school finds the student seriously deficient in one or more
113 of these basic skills, it shall provide remedial assistance to help the student overcome the
114 deficiency and attain reading proficiency appropriate to the student's age and ability.

115 (iii) The remediation program shall include a plan to bring the student up to the appropriate
116 reading level and an opportunity for parents to receive materials and guidance so that they will be
117 able to assist in the remediation process and support their students' progress toward literacy.

118 (c) The testing program shall incorporate assessment mechanisms developed by the State
119 Board of Education as well as commercially produced testing material selected by the board under
120 Subsection 53A-1-603(1)(e), unless the local board has developed its own comparable mechanisms

121 as approved by the state board.

122 (2) Each board shall provide for district evaluation of the test results and use the
123 evaluations in setting goals and establishing programs for the district and schools within the
124 district.

125 (3) The local board may also administer other tests.

126 Section 6. **Effective date.**

127 This act takes effect on July 1, 1999.

Legislative Review Note
as of 12-21-98 12:26 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel