

**UTAH PERFORMANCE ASSESSMENT FOR
STUDENTS AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

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This act modifies provisions related to the State System of Public Education to address issues related to the Utah Performance Assessment System for Students (U-PASS). The act expands the categories for disaggregating student performance data to include limited English proficiency. The act requires each local school board to provide its staff with a professional development program to effectively implement and maintain U-PASS at the school and classroom levels. The act requires additional data to be reported on the annual school performance report on issues related to reading proficiency, student absenteeism, staff qualifications, average daily attendance, and disaggregated enrollment totals. The act also requires electronic reporting of additional data related to test scores and trends, grade averages, volunteerism, student discipline, and fee waivers. This act takes effect July 1, 2001, except that the school performance report modifications take effect July 1, 2002.

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

AMENDS:

53A-1-603, as last amended by Chapter 219, Laws of Utah 2000

53A-1-605, as last amended by Chapter 219, Laws of Utah 2000

53A-1-606, as last amended by Chapter 219, Laws of Utah 2000

53A-3-602.5 (Effective 07/01/02), as enacted by Chapter 219, Laws of Utah 2000

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

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

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



- 28 (1) The State Board of Education shall:
- 29 (a) require each school district to implement the Utah Performance Assessment System
- 30 for Students, hereafter referred to as U-PASS;
- 31 (b) require the state superintendent of public instruction to submit and recommend
- 32 criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills competency
- 33 test, and a direct writing assessment for grades 6 and 9 to the board for approval and adoption and
- 34 distribution to each school district by the state superintendent;
- 35 (c) develop an assessment method to uniformly measure statewide performance, school
- 36 district performance, and school performance of students in grades 1 through 12 in mastering basic
- 37 skills courses; and
- 38 (d) provide for the state to participate in the National Assessment of Educational Progress
- 39 state-by-state comparison testing program.
- 40 (2) Under U-PASS, the state office shall annually require that each district administer:
- 41 (a) a statewide norm-referenced test to all students in grades 3, 5, 8, and 11;
- 42 (b) statewide criterion-referenced tests in all grade levels and courses in basic skill areas
- 43 of the core curriculum;
- 44 (c) a direct writing assessment to all students in grades 6 and 9, with the first assessment
- 45 to be administered during the 2001-02 school year; and
- 46 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611, with the
- 47 first test to be administered during the 2002-03 school year.
- 48 (3) The board shall adopt rules for the conduct and administration of U-PASS to include
- 49 the following:
- 50 (a) the computation of student performance based on information that is disaggregated
- 51 with respect to race, ethnicity, gender, limited English proficiency, and [~~socioeconomic status~~]
- 52 those students who qualify for free or reduced price school lunch;
- 53 (b) security features to maintain the integrity of the system, which could include statewide
- 54 uniform testing dates, multiple test forms, and test administration protocols;
- 55 (c) the exemption of student test scores, by exemption category, such as limited English
- 56 proficiency, mobility, and students with disabilities, with the percent or number of student test
- 57 scores exempted being publically reported at a district level;
- 58 (d) compiling of criterion-referenced and direct writing test scores and test score averages

59 at the classroom level to allow for:

60 (i) an annual review of those scores by parents of students and professional and other
61 appropriate staff at the classroom level at the earliest point in time and consistent with the timeline
62 of the phase-in referred to in Sections 53A-1-602 and ~~[53A-1-603]~~ this section, but no later than
63 by the end of the school year beginning with the 2003-04 school year;

64 (ii) the assessment of year-to-year student progress in specific classes, courses, and
65 subjects; ~~§ [and] §~~

66 (iii) a teacher to review, prior to the beginning of a new school year for the 2003-04 school
67 year and for each school year thereafter, test scores from the previous school year of students who
68 have been assigned to the teacher's class for the new school year; and

68a **§ (iv) ALLOWING A SCHOOL DISTRICT TO HAVE ITS TESTS ADMINISTERED AND SCORED**
68b **ELECTRONICALLY TO ACCELERATE THE REVIEW OF TEST SCORES AND THEIR USEFULNESS TO**
68c **PARENTS AND EDUCATORS UNDER SUBSECTIONS (3)(d)(i),(ii), AND (iii), WITHOUT VIOLATING THE**
68d **INTEGRITY OF U-PASS; AND §**

69 (e) providing that:

70 (i) scores on the tests and assessments required under ~~[Subsections]~~ Subsection (2)(a)
71 ~~and]~~ (b) shall be considered in determining a student's academic grade for the appropriate course
72 and whether a student shall advance to the next grade level; and

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

75 (4) The board shall make an annual report to the Legislature's Education Interim
76 Committee on the timelines required under Subsections (3)(d)(i) and (iii) that begin with the
77 2003-04 school year to include recommendations for any necessary modifications to the timelines.

78 Section 2. Section **53A-1-605** is amended to read:

79 **53A-1-605. Analysis of results -- Submission of annual budget -- Staff professional**
80 **development.**

81 (1) The State Board of Education, through the state superintendent of public instruction,
82 shall develop a plan to analyze the results of the U-PASS scores for all grade levels and courses
83 required under Section 53A-1-603 and the student behavior indicators referred to in Subsection
84 53A-1-602(4)(e).

85 (2) The plan shall include components designed to:

86 (a) assist school districts and individual schools to use the results of the analysis in
87 planning, evaluating, and enhancing programs within the district; and

88 (b) for the 2003-04 school year and for each year thereafter, identify schools not achieving
89 state-established acceptable levels of student performance in order to assist those schools in raising

90 their student performance levels.

91 (3) The plan shall include provisions for statistical reporting of data as follows:

92 (a) norm-referenced tests results shall be reported at the state, district, school, and grade
93 levels, and shall include actual levels of performance on tests; and

94 (b) criterion-referenced tests results shall be reported at state, district, school, and grade
95 or course levels, and shall include actual levels of performance on tests.

96 (4) (a) The State Board of Education shall submit to the Legislature, annually, a budget
97 to implement and maintain U-PASS.

98 (b) As part of the budget recommendation, the state board shall include:

99 (i) evaluation of U-PASS and proposed modifications if appropriate; ~~and~~

100 (ii) anticipated costs for staff professional development programs required to effectively
101 implement U-PASS at the school and classroom levels; and

102 ~~[(i)]~~ (iii) resources required to assist schools identified under Subsection (2)(b) in raising
103 their performance levels.

104 (5) Each local school board shall provide for:

105 (a) district evaluation of the U-PASS test results and use of the evaluations in setting goals
106 and establishing programs for the district and each school within the district[-]; and

107 (b) a professional development program that:

108 (i) is funded in whole or in part from monies received under Subsection (4)(b)(ii); and

109 (ii) provides teachers, principals, and other professional staff employed by the school
110 district with the training required to successfully establish and maintain U-PASS.

111 Section 3. Section **53A-1-606** is amended to read:

112 **53A-1-606. Mastery of reading skills.**

113 (1) (a) The Utah Performance Assessment System for Students in grades 1 through ~~[6]~~ 10
114 shall be used to determine whether the planned instruction has resulted in the student's mastery of
115 reading skills.

116 (b) As used in Subsection (1)(a), planned instruction shall include instructional practices
117 of:

118 (i) early and explicit teaching of phonetic decoding skills;

119 (ii) continuous and frequent exposure to a wide range of quality literature;

120 (iii) writing to foster and reinforce word recognition, language structure, and experience;

121 and

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

123 (c) (i) If, through U-PASS, the school finds the student seriously deficient in one or more
124 of these basic skills, it shall provide remedial assistance to help the student overcome the
125 deficiency and attain reading proficiency appropriate to the student's age and ability.

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

129 (d) U-PASS shall incorporate assessment mechanisms developed by the State Board of
130 Education, through the state superintendent of public instruction, as well as commercially
131 produced testing material selected by the board under Subsection 53A-1-603(1).

132 (2) The local board may also administer other tests.

133 Section 4. Section **53A-3-602.5 (Effective 07/01/02)** is amended to read:

134 **53A-3-602.5 (Effective 07/01/02). School performance report -- Components --**

135 **Annual filing.**

136 (1) The State Board of Education in collaboration with the state's 40 school districts shall
137 develop a school performance report to inform the state's residents of the quality of schools and
138 the educational achievement of students in the state's public education system.

139 (2) The report shall be written and include the following statistical data for each school
140 in each school district, as applicable, and shall also aggregate the data at the district and state level:

141 (a) except as provided in Subsection (2)(a)(ii), test scores [~~and trends~~] over the previous
142 [~~four years~~] year on:

143 (i) norm-referenced achievement tests;

144 (ii) criterion-referenced tests beginning with the 2001-02 school year, to include the scores
145 aggregated for all students by grade level or course for the previous two years and an indication
146 of whether there was a sufficient magnitude of gain in the scores between the two years;

147 (iii) writing assessments required under Subsection 53A-1-603(2)(c); and

148 (iv) tenth grade basic skills competency tests required under Subsection 53A-1-603(2)(d);

149 (b) college entrance examinations, including the number and percentage of each graduating
150 class taking the examinations for the previous four years;

151 (c) advanced placement and concurrent enrollment data, including:

- 152 (i) the number of students taking advanced placement and concurrent enrollment courses;
- 153 (ii) the number and percent of students taking a specific advanced placement course who
154 take advanced placement tests to receive college credit for the course;
- 155 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
156 percent who pass the test; and
- 157 (iv) of those students taking a concurrent enrollment course, the number and percent of
158 those who receive college credit for the course;
- 159 (d) the number and percent of students [~~in elementary schools~~] through grade ten reading
160 at or above grade level;
- 161 (e) the number and percent of students [~~classified as "chronic absentees", as defined by~~
162 ~~State Board of Education rule~~] who were absent from school ten days or more during the school
163 year;
- 164 (f) achievement gaps that reflect the differences in achievement of various student groups
165 as defined by State Board of Education rule;
- 166 (g) the number and percent of "student dropouts" within the district as defined by State
167 Board of Education rule;
- 168 (h) course-taking patterns and trends in secondary schools;
- 169 (i) student mobility;
- 170 (j) staff qualifications, to include years of professional service and the number and percent
171 of staff who have a degree or endorsement in their assigned teaching area and the number and
172 percent of staff who have a graduate degree;
- 173 (k) the number and [~~percentage~~] percent of parents who participate in SEP, SEOP, and
174 parent-teacher conferences;
- 175 (l) the number and [~~percentage~~] percent of students who participate in extracurricular
176 activities, to include a statement on the amount of class time missed by students and faculty for
177 those activities which require them to miss normal class time during the school day and the total
178 number of individuals involved in missing normal class time; [~~and~~]
- 179 (m) average class size by grade level and subject[-];
- 180 (n) average daily attendance as defined by State Board of Education rule, including every
181 period in secondary schools; and
- 182 (o) enrollment totals disaggregated with respect to race, ethnicity, gender, limited English

183 proficiency, and those students who qualify for free or reduced price school lunch.

184 ~~[(3) During the year 2000 interim, the State Board of Education shall work with the Task~~
185 ~~Force on Learning Standards and Accountability in Public Education, the Legislative Education~~
186 ~~Interim Committee, and the Strategic Planning for Public and Higher Education Committee to~~
187 ~~determine if additional statistical data should be collected and reported under Subsection (2), to~~
188 ~~include the following:]~~

189 (3) The State Board of Education, in collaboration with the state's school districts, shall
190 provide for the collection and electronic reporting of the following data for each school in each
191 school district:

192 (a) test scores and trends over the previous four years on the tests referred to in Subsection
193 (2)(a);

194 ~~[(a)]~~ (b) the average grade given in each math, science, and English [class] course in
195 grades 9 through 12 for which criteria-referenced tests are required under Subsection
196 53A-1-603(2)(b);

197 ~~[(b)]~~ (c) the number of volunteers and volunteer hours;

198 ~~[(c)]~~ (d) incidents of student discipline as defined by State Board of Education rule[;],
199 including suspensions, expulsions, and court referrals; and

200 (e) the number and percent of students receiving fee waivers and the total dollar amount
201 of fees waived.

202 ~~[(d) parent surveys;]~~

203 ~~[(e) student surveys;]~~

204 ~~[(f) enrollment totals and trends;]~~

205 ~~[(g) average daily attendance, including every period in secondary schools;]~~

206 ~~[(h) suspensions;]~~

207 ~~[(i) the number and percent of students who qualify for free and reduced price school~~
208 ~~lunch;]~~

209 ~~[(j) for secondary schools, grade distributions and average student GPA by school and~~
210 ~~teacher;]~~

211 ~~[(k) total reading hours at home;]~~

212 ~~[(l) keyboarding skills;]~~

213 ~~[(m) physical fitness;]~~

214 [~~(n)~~ portfolios;]

215 [~~(o)~~ safe school violations; and]

216 [~~(p)~~ court referrals.]

217 (4) (a) The State Board of Education shall adopt common definitions and data collection
218 procedures for local school boards to use in collecting and forwarding the data required under
219 [~~Subsection~~] Subsections (2) and (3) to the state superintendent of public instruction.

220 (b) The state board, through the state superintendent of public instruction, shall adopt
221 standard reporting forms and provide a common template for collecting and reporting the data,
222 which shall be used by all school districts.

223 (c) The state superintendent shall use the automated decision support system proposed for
224 authorization by the Legislature in the 2000 General Session in Subsection 53A-1-301(2)(e) to
225 collect and report the data required under [~~Subsection~~] Subsections (2) and (3), contingent upon
226 approval of the proposal and its required appropriation.

227 (5) (a) For the school year ending June 30, 2003, and for each year thereafter, the state
228 board, through the state superintendent of public instruction, shall issue its report annually by
229 October 1 to include the required data from the previous school year or years as indicated in
230 [~~Subsection~~] Subsections (2) and (3).

231 (b) The state board shall determine the nature and extent of longitudinal data to be reported
232 under Subsections (2)[~~(a)~~](b), (c), and (d) and (3)(a) during the first three years of the reporting
233 program, with the baseline reporting year beginning July 1, 2002 and ending June 30, 2003.

234 (6) (a) Each local school board shall receive a written or an electronic copy of the report
235 from the state superintendent of public instruction containing the data for that school district in a
236 clear summary format and have it distributed, on a one per household basis, to the residence of
237 students enrolled in the school district before November 30th of each year.

238 (b) Each local school board and the state board shall have a complete report of the
239 statewide data available for copying or in an electronic format at their respective offices.

240 **Section 5. Effective date.**

241 This act takes effect July 1, 2001, except that Section 53A-3-602.5 takes effect July 1,
242 2002.

Legislative Review Note
as of 11-30-00 3:37 PM

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

Office of Legislative Research and General Counsel

Committee Note

The Education Interim Committee recommended this bill.