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**STUDENT ACHIEVEMENT ASSESSMENT**

**AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Merlynn T. Newbold**

Senate Sponsor: Howard A. Stephenson

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**LONG TITLE**

**General Description:**

This bill modifies U-PASS (Utah Performance Assessment System for Students) and requirements for reading achievement plans and the reporting of students' reading grade level.

**Highlighted Provisions:**

This bill:

- ▶ modifies U-PASS by:
  - expanding the basic skill courses tested to include intermediate algebra;
  - eliminating criterion-referenced testing in grade 1;
  - eliminating norm-referenced testing in grade 11; and
  - adding a reading test in grade 3;
- ▶ modifies assessment, intervention, and reporting elements of schools' reading achievement plans for students in kindergarten through grade 3;
- ▶ modifies reporting requirements regarding U-PASS test results; ~~§~~ → [and] ← ~~§~~
- ▶ modifies eligibility requirements for stipends for basic skills education to enable students to pass the Utah Basic Skills Competency Test ~~§~~ → ; and
- ▶ requires the State Board of Education to consider administering the Utah Basic Skills Competency Test on a Saturday to preserve instructional time ← ~~§~~ .

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53A-1-602**, as last amended by Chapter 7, Laws of Utah 2002, Sixth Special Session

32 **53A-1-603**, as last amended by Chapter 7, Laws of Utah 2002, Fifth Special Session

33 **53A-3-602.5**, as last amended by Chapters 210 and 244, Laws of Utah 2002

34 **53A-1-607**, as last amended by Chapter 219, Laws of Utah 2000

35 **53A-1-612**, as enacted by Chapter 299, Laws of Utah 2006

36 REPEALS AND REENACTS:

37 **53A-1-606.5**, as last amended by Chapters 210 and 324, Laws of Utah 2002

38 REPEALS:

39 **53A-1-606**, as last amended by Chapter 93, Laws of Utah 2001



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

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

43 **53A-1-602. Definitions.**

44 As used in this part:

45 (1) "Achievement test" means a standardized test which measures or attempts to  
46 measure the level of performance which a student has attained in one or more courses of study.  
47 Achievement tests shall include norm-referenced and criterion-referenced tests.

48 (2) "Basic skills course" means a subject which requires mastery of specific functions,  
49 as defined under rules made by the State Board of Education, to include reading, language arts,  
50 mathematics through ~~[geometry]~~ intermediate algebra, science, in grades 4 through 12, and  
51 effectiveness of written expression.

52 (3) "Utah Performance Assessment System for Students" or "U-PASS" means:

53 (a) systematic norm-referenced achievement testing of all students in grades 3, 5, and  
54 ~~8[, and 11]~~ required by this part in all schools within each school district by means of tests  
55 designated by the State Board of Education;

56 (b) criterion-referenced achievement testing of students in ~~[all grade levels]~~ grades 2  
57 through 12 in basic skills courses;

58 (c) ~~[beginning with the 2001-02 school year,]~~ a direct writing assessment in grades 6

59 and 9;

60 (d) [~~beginning with the 2003-04 school year,~~] a tenth grade basic skills competency test  
61 as detailed in Section 53A-1-611; [~~and~~]

62 (e) [~~beginning with the 2002-03 school year,~~] the use of student behavior indicators in  
63 assessing student performance[-]; and

64 (f) beginning with the 2007-08 school year, testing of students in grade 3 to measure  
65 reading grade level.

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

67 **53A-1-603. Duties of State Board of Education.**

68 (1) The State Board of Education shall:

69 (a) require each school district and charter school to implement the Utah Performance  
70 Assessment System for Students, hereafter referred to as U-PASS;

71 (b) require the state superintendent of public instruction to submit and recommend  
72 criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills  
73 competency test, [~~and~~] a direct writing assessment for grades 6 and 9, and a test for students in  
74 grade 3 to measure reading grade level to the board for approval and adoption and distribution  
75 to each school district and charter school by the state superintendent;

76 (c) develop an assessment method to uniformly measure statewide performance,  
77 school district performance, and school performance of students in grades [~~±~~] 2 through 12 in  
78 mastering basic skills courses; and

79 (d) provide for the state to participate in the National Assessment of Educational  
80 Progress state-by-state comparison testing program.

81 (2) Under U-PASS, the state office shall annually require that each district and charter  
82 school, as applicable, administer:

83 (a) a statewide norm-referenced test to all students in grades 3, 5, and 8[-, ~~and 11~~];

84 (b) statewide criterion-referenced tests in [~~all grade levels~~] grades 2 through 12 and  
85 courses in basic skill areas of the core curriculum;

86 (c) a direct writing assessment to all students in grades 6 and 9[-, ~~with the first~~  
87 ~~assessment to be administered during the 2001-02 school year; and~~];

88 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611[-, ~~with~~  
89 ~~the first test to be administered during the 2003-04 school year.~~]; and

90 (e) a test to all students in grade 3 to measure reading grade level.

91 (3) The board shall adopt rules for the conduct and administration of U-PASS to  
92 include the following:

93 (a) the computation of student performance based on information that is disaggregated  
94 with respect to race, ethnicity, gender, limited English proficiency, and those students who  
95 qualify for free or reduced price school lunch;

96 (b) security features to maintain the integrity of the system, which could include  
97 statewide uniform testing dates, multiple test forms, and test administration protocols;

98 (c) the exemption of student test scores, by exemption category, such as limited  
99 English proficiency, mobility, and students with disabilities, with the percent or number of  
100 student test scores exempted being publically reported at a district level;

101 (d) compiling of criterion-referenced and direct writing test scores and test score  
102 averages at the classroom level to allow for:

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

107 (ii) the assessment of year-to-year student progress in specific classes, courses, and  
108 subjects;

109 (iii) a teacher to review, prior to the beginning of a new school year [~~for the 2003-04~~  
110 ~~school year and for each school year thereafter~~], test scores from the previous school year of  
111 students who have been assigned to the teacher's class for the new school year; and

112 (iv) allowing a school district or charter school to have its tests administered and  
113 scored electronically to accelerate the review of test scores and their usefulness to parents and  
114 educators under Subsections (3)(d)(i), (ii), and (iii), without violating the integrity of U-PASS;  
115 and

116 (e) providing that:

117 (i) scores on the tests and assessments required under Subsection (2)(b) shall be  
118 considered in determining a student's academic grade for the appropriate course and whether a  
119 student shall advance to the next grade level; and

120 (ii) the student's score on the tenth grade basic skills competency test shall be recorded

121 on the student's transcript of credits.

121a **§→ (4) The State Board of Education shall consider administering the basic skills**  
 121b **competency test on a Saturday to preserve instructional time. ←§**

122 Section 3. Section **53A-1-606.5** is repealed and reenacted to read:

123 **53A-1-606.5. State reading goal -- Reading achievement plan.**

124 (1) As used in this section, the "five domains of reading" include phonological  
 125 awareness, phonics, fluency, comprehension, and vocabulary.

126 (2) (a) The Legislature recognizes that:

127 (i) reading is the most fundamental skill, the gateway to knowledge and lifelong  
 128 learning;

129 (ii) there is an ever increasing demand for literacy in the highly technological society  
 130 we live in;

131 (iii) students who do not learn to read will be economically and socially disadvantaged;

132 (iv) reading problems exist in almost every classroom;

133 (v) almost all reading failure is preventable if reading difficulties are diagnosed and  
 134 treated by no later than the end of the third grade; and

135 (vi) early identification and treatment of reading difficulties can result in students  
 136 learning to read by the end of the third grade.

137 (b) It is therefore the long-term goal of the state to have every student in the state's  
 138 public education system reading on or above grade level by the end of the third grade.

139 (3) (a) Each public school containing kindergarten, grade 1, grade 2, or grade 3,  
 140 including charter schools, shall develop, in conjunction with all other school planning  
 141 processes and requirements, a reading achievement plan for its students in kindergarten through  
 142 grade 3 to reach the reading goal set in Subsection (2)(b).

143 (b) The reading achievement plan shall be:

144 (i) developed under the direction of:

145 (A) the school community council or a subcommittee or task force created by the  
 146 school community council, in the case of a school district school; or

147 (B) the charter school governing board or a subcommittee or task force created by the  
 148 governing board, in the case of a charter school; and

149 (ii) implemented by the school's principal, teachers, and other appropriate school staff.

150 (c) The school principal shall take primary responsibility to provide leadership and  
 151 allocate resources and support for teachers and students, most particularly for those who are

- 152 reading below grade level, to achieve the reading goal.
- 153 (d) Each reading achievement plan shall include:
- 154 (i) an assessment component that:
- 155 (A) focuses on ongoing formative assessment to measure the five domains of reading,  
156 as appropriate, and inform instructional decisions; and
- 157 (B) includes a reading assessment selected from a list recommended by the State Board  
158 of Education;
- 159 (ii) an intervention component:
- 160 (A) that provides adequate and appropriate interventions focused on each student  
161 attaining proficiency in reading skills;
- 162 (B) based on best practices identified through proven researched-based methods;
- 163 (C) that provides intensive intervention, such as focused instruction in small groups,  
164 implemented at the earliest possible time for students having difficulty in reading;
- 165 (D) that provides an opportunity for parents to receive materials and guidance so that  
166 they will be able to assist their children in attaining proficiency in reading skills; and
- 167 (E) that, as resources allow, involves a reading specialist; and
- 168 (iii) a reporting component that includes reporting to parents:
- 169 (A) their child's literacy profile which documents ongoing formative assessment  
170 results; and
- 171 (B) at the end of third grade, their child's reading level.
- 172 (e) In developing or reviewing a reading achievement plan, a school community  
173 council, charter school governing board, or a subcommittee or task force of a school  
174 community council or charter school governing board may not have access to data that reveal  
175 the identity of students.
- 176 (4) (a) The school district shall approve each plan developed by schools within the  
177 district prior to its implementation and review each plan annually.
- 178 (b) The charter school governing board shall approve each plan developed by schools  
179 under its control and review each plan annually.
- 180 Section 4. Section **53A-1-607** is amended to read:
- 181 **53A-1-607. Scoring -- Reports of results.**
- 182 (1) Each local school board and charter school shall submit all answer sheets for the

183 achievement tests administered under U-PASS on a per-school and per-class basis to the state  
184 superintendent of public instruction for scoring unless the test requires scoring by a national  
185 testing service.

186 (2) The district and school results of the U-PASS testing program, but not the score or  
187 relative position of individual students, shall be reported to each local school board or charter  
188 school governing board annually at a regularly scheduled meeting.

189 (3) Each local board and charter school governing board shall make copies of the  
190 report available to the general public upon request.

191 (4) The board may charge a fee for the copying costs.

192 (5) The State Board of Education shall annually provide to school districts and charter  
193 schools a comprehensive report for each of their students showing the student's U-PASS test  
194 results for each year the student took a U-PASS test. School districts and charter schools shall  
195 give a copy of the comprehensive report to the student's parents and make the report available  
196 to school staff, as appropriate.

197 Section 5. Section **53A-1-612** is amended to read:

198 **53A-1-612. Basic Skills Education Stipend Program.**

199 (1) As used in this section:

200 (a) "Basic skills education" means individual or group instruction, including  
201 assessments, designed to develop the skills and knowledge necessary to pass the Utah Basic  
202 Skills Competency Test.

203 (b) "Basic skills provider" means:

204 (i) a school district;

205 (ii) a charter school;

206 (iii) an accredited public or private educational institution; or

207 (iv) other entity that meets board requirements pursuant to Subsection (12).

208 (c) "Program" means the Basic Skills Education Stipend Program.

209 (d) "Stipend recipient" means a student who receives a stipend under this section.

210 (e) "Utah Basic Skills Competency Test" or "UBSCT" means the basic skills

211 competency test administered to students pursuant to Section 53A-1-611.

212 (2) The Basic Skills Education Stipend Program is created to provide students who  
213 have not passed the UBSCT supplemental instruction in the skills and knowledge necessary to

214 pass the test.

215 (3) The State Board of Education shall administer the Basic Skills Education Stipend  
216 Program.

217 (4) (a) A student may receive a stipend for basic skills education if:

218 [~~(i) (A) by the spring of the student's junior year the student has not passed the~~  
219 ~~UBSCT; and]~~

220 [(B) (i) the student's score on one more subtests is below the midpoint of the partial  
221 mastery range;

222 (ii) the student's parent or guardian is a Utah resident;

223 (iii) the student is enrolled full-time in a public school in the state; and

224 (iv) the student does not qualify for the Utah Alternative Assessment.

225 (b) A student who meets the criteria of Subsection (4)(a) may receive a stipend for  
226 basic skills education in the subject of each subtest failed. Depending upon the number of  
227 subtests failed, a student may receive one, two, or three stipends. A student may receive a  
228 stipend only once for each subtest failed.

229 (5) Stipend amounts shall be based on a student's subtest score as follows:

230 (a) \$500, if the student's subtest score was below the midpoint of the partial mastery  
231 range but above the minimal mastery range;

232 (b) \$1,000, if the student's subtest score was below the partial mastery range, but above  
233 or at the midpoint of the minimal mastery range; or

234 (c) \$1,500, if the student's subtest score was below the midpoint of the minimal  
235 mastery range.

236 (6) A stipend recipient may apply for basic skills education from any basic skills  
237 provider.

238 (7) Each basic skill provider shall accept stipend recipients on a first come/first served  
239 basis.

240 (8) A stipend recipient shall give the following to the basic skills provider selected to  
241 provide basic skills education:

242 (a) a voucher in the amount of the stipend which the basic skills educator may present  
243 for payment by the board if the stipend recipient passes the subtest corresponding to the basic  
244 skills education provided by the basic skills provider; and



245 (b) an authorization signed by the stipend recipient's parent or guardian for the stipend  
246 recipient's school to release records of the stipend recipient to the basic skills provider, if the  
247 basic skills provider is not the school district or charter school in which the stipend recipient is  
248 enrolled.

249 (9) A basic skills provider who possesses a voucher shall receive payment from the  
250 board in the amount of the stipend, if, on a subsequent administration of the UBSCT, the  
251 stipend recipient passes the subtest corresponding to the basic skills education provided by the  
252 basic skills provider.

253 (10) (a) A basic skills provider may charge a stipend recipient an amount in addition to  
254 that paid by the board.

255 (b) The additional amount charged by a basic skills provider shall be:

256 (i) consistent with the restriction in Utah Constitution Article X, Section 2;

257 (ii) disclosed to the stipend recipient's parent or guardian when the stipend recipient  
258 applies for basic skills education; and

259 (iii) reported to the board before receiving payment from the board.

260 (c) A basic skills provider may not make any additional charge or refund of a charge  
261 contingent upon a stipend recipient's passing or failing a UBSCT subtest.

262 (11) (a) Stipends shall be awarded by the board subject to the availability of money  
263 appropriated by the Legislature for that purpose.

264 (b) The Legislature shall annually appropriate money to the board from the General  
265 Fund to make stipend payments.

266 (c) If monies are not available to pay for all stipends requested, the stipends shall be  
267 allocated according to rules adopted by the State Board of Education.

268 (12) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
269 the State Board of Education shall make rules:

270 (a) establishing qualifications for basic skills providers who are not school districts,  
271 high schools, or accredited public or private educational institutions;

272 (b) establishing procedures for the administration of the Basic Skills Education Stipend  
273 Program; and

274 (c) requiring the parent or guardian of a stipend recipient who selects a basic skills  
275 provider other than the school district or charter school in which the stipend recipient is

276 enrolled to sign:

277 (i) an acknowledgment that the school district or charter school is released from further  
278 remediation responsibility for the stipend recipient; and

279 (ii) if the student has an IEP, an acknowledgment that offering a voucher to the basic  
280 skill provider has the same effect as a parental refusal to consent to services pursuant to Section  
281 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

281a **§→ (13) School districts and charter schools shall provide each student who qualifies for a**  
281b **basic skills education stipend information about the Basic Skills Education Stipend Program,**  
281c **including:**

281d **(a) voucher applications; and**

281e **(b) how to access a list of approved public and private providers. ←§**

282 Section 6. Section **53A-3-602.5** is amended to read:

283 **53A-3-602.5. School performance report -- Components -- Annual filing.**

284 (1) The State Board of Education in collaboration with the state's [40] school districts  
285 and charter schools shall develop a school performance report to inform the state's residents of  
286 the quality of schools and the educational achievement of students in the state's public  
287 education system.

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

291 (a) except as provided in Subsection (2)(a)(ii), test scores over the previous year on:

292 (i) norm-referenced achievement tests;

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

297 (iii) writing assessments required under Section 53A-1-603; and

298 (iv) tenth grade basic skills competency tests required under Section 53A-1-603;

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

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

302 (i) the number of students taking advanced placement and concurrent enrollment  
303 courses;

304 (ii) the number and percent of students taking a specific advanced placement course  
305 who take advanced placement tests to receive college credit for the course;

306 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and

- 307 percent who pass the test; and
- 308 (iv) of those students taking a concurrent enrollment course, the number and percent of
- 309 those who receive college credit for the course;
- 310 (d) the number and percent of students [~~through~~] in grade [~~ten~~] 3 reading at or above
- 311 grade level;
- 312 (e) the number and percent of students who were absent from school ten days or more
- 313 during the school year;
- 314 (f) achievement gaps that reflect the differences in achievement of various student
- 315 groups as defined by State Board of Education rule;
- 316 (g) the number and percent of "student dropouts" within the district as defined by State
- 317 Board of Education rule;
- 318 (h) course-taking patterns and trends in secondary schools;
- 319 (i) student mobility;
- 320 (j) staff qualifications, to include years of professional service and the number and
- 321 percent of staff who have a degree or endorsement in their assigned teaching area and the
- 322 number and percent of staff who have a graduate degree;
- 323 (k) the number and percent of parents who participate in SEP, SEOP, and
- 324 parent-teacher conferences;
- 325 (l) average class size by grade level and subject;
- 326 (m) average daily attendance as defined by State Board of Education rule, including
- 327 every period in secondary schools; and
- 328 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited
- 329 English proficiency, and those students who qualify for free or reduced price school lunch.
- 330 (3) The State Board of Education, in collaboration with the state's school districts and
- 331 charter schools, shall provide for the collection and electronic reporting of the following data
- 332 for each school in each school district and each charter school:
- 333 (a) test scores and trends over the previous four years on the tests referred to in
- 334 Subsection (2)(a);
- 335 (b) the average grade given in each math, science, and English course in grades 9
- 336 through 12 for which criteria-referenced tests are required under Section 53A-1-603;
- 337 (c) incidents of student discipline as defined by State Board of Education rule,

338 including suspensions, expulsions, and court referrals; and

339 (d) the number and percent of students receiving fee waivers and the total dollar  
340 amount of fees waived.

341 (4) (a) The State Board of Education shall adopt common definitions and data  
342 collection procedures for local school boards and charter schools to use in collecting and  
343 forwarding the data required under Subsections (2) and (3) to the state superintendent of public  
344 instruction.

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

348 (c) The state superintendent shall use the automated decision support system referred to  
349 in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).

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

354 [~~(b) The state board shall determine the nature and extent of longitudinal data to be  
355 reported under Subsections (2)(b), (c), and (d) and (3)(a) during the first three years of the  
356 reporting program, with the baseline reporting year beginning July 1, 2002 and ending June 30,  
357 2003.]~~

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

363 (b) Each local school board, each charter school, and the state board shall have a  
364 complete report of the statewide data available for copying or in an electronic format at their  
365 respective offices.

366 Section 7. **Repealer.**

367 This bill repeals:

368 Section **53A-1-606, Mastery of reading skills.**

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**Legislative Review Note**  
as of 1-24-07 4:50 PM

**Office of Legislative Research and General Counsel**

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**H.B. 155 - Student Achievement Assessment Amendments**

**Revised  
Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill will require a one-time appropriation from the Uniform School Fund of \$224,600 in FY 2008 to the State Board of Education for development of new tests, as outlined in this bill. This bill will also require a negative ongoing appropriation from the Uniform School Fund beginning in FY 2008 which reflects savings the State Office of Education will realize.

	<u>FY 2007 Approp.</u>	<u>FY 2008 Approp.</u>	<u>FY 2009 Approp.</u>	<u>FY 2007 Revenue</u>	<u>FY 2008 Revenue</u>	<u>FY 2009 Revenue</u>
Uniform School Fund	\$0	(\$170,000)	(\$170,000)	\$0	\$0	\$0
Uniform School Fund, One-time	\$0	\$224,600	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$54,600</b>	<b>(\$170,000)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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