

1 **WRITING ASSESSMENT AND INSTRUCTION**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Merlynn T. Newbold**

5 Senate Sponsor: Howard A. Stephenson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies requirements for statewide writing assessments.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the Utah Performance Assessment System for Students by requiring
- 13 online writing assessments in grades 5 and 8;
- 14 ▶ encourages a school district or charter school, as applicable, to administer an online
- 15 writing assessment to students in grade 11;
- 16 ▶ allows the State Board of Education to award a grant to a school district or charter
- 17 school for an online writing assessment and instruction program that may be used
- 18 to assess the writing of students in grade 11; and
- 19 ▶ makes technical amendments.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill takes effect on July 1, 2009.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **53A-1-602**, as last amended by Laws of Utah 2007, Chapter 244

27 **53A-1-603**, as last amended by Laws of Utah 2008, Second Special Session, Chapter 6

28 **53A-1-604**, as last amended by Laws of Utah 2000, Chapter 219

29 **53A-1-605**, as last amended by Laws of Utah 2003, Chapter 221

30 **53A-3-602.5**, as last amended by Laws of Utah 2007, Chapters 112 and 244



31
32 *Be it enacted by the Legislature of the state of Utah:*

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

34 **53A-1-602. Definitions.**

35 As used in this part:

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

38 (b) "Achievement [tests shall include] test" includes a norm-referenced [~~and~~] or
39 criterion-referenced [~~tests~~] test.

40 (2) "Basic skills course" means a subject which requires mastery of specific functions,
41 as defined under rules made by the State Board of Education, to include reading, language
42 arts, mathematics through intermediate algebra, science, in grades 4 through 12, and
43 effectiveness of written expression.

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

45 (a) systematic norm-referenced achievement testing of all students in grades 3, 5, and
46 8 required by this part in all schools within each school district by means of tests designated
47 by the State Board of Education;

48 (b) criterion-referenced achievement testing of students in grades 2 through 12 in
49 basic skills courses;

50 (c) [~~a direct~~] an online writing assessment in grades [~~6~~] 5 and [~~9~~] 8;

51 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611;

52 (e) the use of student behavior indicators in assessing student performance; and

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

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

56 **53A-1-603. Duties of State Board of Education.**

57 (1) Except as provided in Subsection (5), the State Board of Education shall:

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

60 (b) require the state superintendent of public instruction to submit and recommend
61 criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills
62 competency test, ~~a direct~~ an online writing assessment for grades ~~[6] 5~~ and ~~[9] 8~~, and a test
63 for students in grade 3 to measure reading grade level to the board for approval and adoption
64 and distribution to each school district and charter school by the state superintendent;

65 (c) develop an assessment method to uniformly measure statewide performance,
66 school district performance, and school performance of students in grades 2 through 12 in
67 mastering basic skills courses; and

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

70 (2) Except as provided in Subsection (5), under U-PASS, the state office shall
71 annually require that each district and charter school, as applicable, administer:

72 (a) a statewide norm-referenced test to all students in grades 3, 5, and 8;

73 (b) statewide criterion-referenced tests in grades 2 through 12 and courses in basic
74 skill areas of the core curriculum;

75 (c) ~~a direct~~ an online writing assessment to all students in grades ~~[6] 5~~ and ~~[9] 8~~;

76 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611; and

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

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

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

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

85 (c) the exemption of student test scores, by exemption category, such as limited

86 English proficiency, mobility, and students with disabilities, with the percent or number of
87 student test scores exempted being publically reported at a district level;

88 (d) compiling of criterion-referenced and [~~direct~~] online writing test scores and test
89 score averages at the classroom level to allow for:

90 (i) an annual review of those scores by parents of students and professional and other
91 appropriate staff at the classroom level at the earliest point in time;

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

94 (iii) a teacher to review, prior to the beginning of a new school year, test scores from
95 the previous school year of students who have been assigned to the teacher's class for the new
96 school year; and

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

101 (e) providing that:

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

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

107 (4) The State Board of Education shall consider administering the basic skills
108 competency test on a Saturday to preserve instructional time.

109 (5) (a) The State Board of Education may exempt a school district or charter school
110 from the testing requirements specified in Subsection (2) if the school district or charter school
111 pilots an assessment system that incorporates:

112 (i) online classroom-based assessment that utilizes adaptive testing in all grades;

113 (ii) online writing assessments in grades 4 through 12; and

114 (iii) assessments administered in grades 8, 10, and 11 to determine readiness for
115 postsecondary education.

116 (b) A school district or charter school that receives an exemption under Subsection
117 (5)(a) is subject to an accountability plan and high school graduation standards that are:

118 (i) based on the assessment system described in Subsections (5)(a)(i) through (iii); and

119 (ii) developed and adopted by the State Board of Education.

120 (c) By the November 2009 meeting of the Education Interim Committee, the State
121 Board of Education shall submit recommendations to the committee on the state's assessment
122 system.

123 (d) The State Board of Education may only provide the following exemptions under
124 this Subsection (5):

125 (i) up to three rural school districts;

126 (ii) up to two urban school districts; and

127 (iii) up to five charter schools.

128 (6) (a) A school district or charter school, as applicable, is encouraged to administer
129 an online writing assessment to students in grade 11.

130 (b) The State Board of Education may award a grant to a school district or charter
131 school to pay for an online writing assessment and instruction program that may be used to
132 assess the writing of students in grade 11.

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

134 **53A-1-604. Test development, publication, and administration.**

135 (1) The State Board of Education shall develop, publish, and administer
136 criterion-referenced tests and other assessments referred to in Subsections 53A-1-603(2)(c)
137 and (d) of its own devising and incorporate [~~existing norm-referenced tests and assessment~~
138 ~~programs~~] a norm-referenced test into U-PASS.

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

142 ~~[(3) The board shall develop assessment tools in such a manner and on such a timeline~~
143 ~~as to ensure full implementation of U-PASS by the 2004-05 school year.]~~

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

145 **53A-1-605. Analysis of results -- Submission of annual budget -- Staff**
146 **professional development.**

147 (1) The State Board of Education, through the state superintendent of public
148 instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels
149 and courses required under Section 53A-1-603 and the student behavior indicators referred to
150 in Subsection 53A-1-602(3)~~[(e)]~~.

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

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

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

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

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

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

162 (4) Each local school board shall provide for:

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

165 (b) a professional development program that provides teachers, principals, and other
166 professional staff employed by the school district with the training required to successfully
167 establish and maintain U-PASS.

168 Section 5. Section **53A-3-602.5** is amended to read:

169 **53A-3-602.5. School performance report -- Components -- Annual filing.**

170 (1) The State Board of Education in collaboration with the state's school districts and
171 charter schools shall develop a school performance report to inform the state's residents of the
172 quality of schools and the educational achievement of students in the state's public education
173 system.

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

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

178 (i) norm-referenced achievement tests;

179 (ii) criterion-referenced tests to include the scores aggregated for all students by grade
180 level or course for the previous two years and an indication of whether there was a sufficient
181 magnitude of gain in the scores between the two years;

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

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

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

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

187 (i) the number of students taking advanced placement and concurrent enrollment
188 courses;

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

191 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number
192 and percent who pass the test; and

193 (iv) of those students taking a concurrent enrollment course, the number and percent
194 of those who receive college credit for the course;

195 (d) the number and percent of students in grade 3 reading at or above grade level;

196 (e) the number and percent of students who were absent from school ten days or more
197 during the school year;

198 (f) achievement gaps that reflect the differences in achievement of various student
199 groups as defined by State Board of Education rule;

200 (g) the number and percent of "student dropouts" within the district as defined by
201 State Board of Education rule;

202 (h) course-taking patterns and trends in secondary schools;

203 (i) student mobility;

204 (j) staff qualifications, to include years of professional service and the number and
205 percent of staff who have a degree or endorsement in their assigned teaching area and the
206 number and percent of staff who have a graduate degree;

207 (k) the number and percent of parents who participate in SEP, SEOP, and
208 parent-teacher conferences;

209 (l) average class size by grade level and subject;

210 (m) average daily attendance as defined by State Board of Education rule, including
211 every period in secondary schools; and

212 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited
213 English proficiency, and those students who qualify for free or reduced price school lunch.

214 (3) The State Board of Education, in collaboration with the state's school districts and
215 charter schools, shall provide for the collection and electronic reporting of the following data
216 for each school in each school district and each charter school:

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

219 (b) the average grade given in each math, science, and English course in grades 9
220 through 12 for which criteria-referenced tests are required under Section 53A-1-603;

221 (c) incidents of student discipline as defined by State Board of Education rule,
222 including suspensions, expulsions, and court referrals; and

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

225 (4) (a) (i) The State Board of Education shall adopt common definitions and data

226 collection procedures for local school boards and charter schools to use in collecting and
227 forwarding the data required under Subsections (2) and (3) to the state superintendent of
228 public instruction.

229 (ii) Average class size by grade and subject shall be calculated for the purposes of
230 Subsection (2)(1) in accordance with the following:

231 (A) for kindergarten through grade six, average class size by grade shall be calculated
232 by dividing grade membership on October 1 by the number of classes in the corresponding
233 grade; and

234 (B) for grades seven through twelve, average class size shall be calculated for core
235 language arts, mathematics, and science courses by dividing membership on October 1 in core
236 language arts, mathematics, or science course classes by the number of classes for the
237 corresponding course.

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

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

243 (5) The state board, through the state superintendent of public instruction, shall issue
244 its report annually by October 1 to include the required data from the previous school year or
245 years as indicated in Subsections (2) and (3).

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

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

254 Section 6. **Effective date.**

255 This bill takes effect on July 1, 2009.