



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 arts,  
 42 mathematics through intermediate algebra, science, in grades 4 through 12, and effectiveness of  
 43 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 8  
 46 required by this part in all schools within each school district by means of tests designated by  
 47 the State Board of Education;

48           (b) criterion-referenced achievement testing of students in grades 2 through 12 in basic  
 49 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, school  
66 district performance, and school performance of students in grades 2 through 12 in mastering  
67 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 annually  
71 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 skill  
74 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 an  
129 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) and  
137 (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 grade  
161 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 school  
175 in each school district and each charter school, as applicable, and shall also aggregate the data  
176 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 and
- 192 percent who pass the test; and
- 193 (iv) of those students taking a concurrent enrollment course, the number and percent of
- 194 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 State
- 201 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 public  
228 instruction.

229 (ii) Average class size by grade and subject shall be calculated for the purposes of  
230 Subsection (2)(l) 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 to  
242 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 its  
244 report annually by October 1 to include the required data from the previous school year or years



245 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.

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**Legislative Review Note**

as of 2-18-09 8:47 AM

**Office of Legislative Research and General Counsel**

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**H.B. 334 - Writing Assessment and Instruction**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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

Enactment of this bill may require some additional costs for school districts and charter schools depending on the online capabilities they have in place.

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