

**R277. Education, Administration.**

**R277-702. Procedures for the Utah High School Completion Diploma.**

**R277-702-1. Authority and Purpose.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
  - (b) Subsection 53E-3-501(1)(b), which directs the Board to adopt rules regarding access to programs, competency levels, and graduation requirements; and
  - (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law.
- (2) The purpose of this rule is to describe the standards and procedures required for an individual to obtain a Utah High School Completion Diploma.

**R277-702-2. Definitions.**

- (1) "High school equivalency exam" or "HSE exam" means a Board approved examination whose test modules are aligned with:
  - (a) current high school core standards; and
  - (b) the college and career readiness standards for adult education.
- (2) "Out-of-school youth" means an individual 16 to 19 years of age whose high school cohort has not graduated and who is no longer enrolled in a K-12 program of instruction.
- (3) "Utah high school completion diploma" means a completion diploma issued by the Board and distributed by a Board-approved contractor, to an individual who has passed all subject modules of the HSE exam at a Utah HSE exam testing center.

**R277-702-3. Administrative Procedures and Standards for Testing and Certification.**

- (1)(a) The Superintendent shall contract with a third party contractor in accordance with state procurement law to administer HSE exams in the state.
- (b) The Superintendent may contract with public non-profit institutions within the state to administer HSE exams and provide related testing services.
- (c) The Superintendent shall determine the number and location of the institutions designated as testing centers in a manner that ensures that the test is reasonably accessible to potential applicants.
- (d) The Superintendent shall develop requirements for HSE exam testing centers in conjunction with the contractor approved in accordance with Subsection (1)(a).

(2) The Superintendent shall develop minimum scores required for passing an HSE exam in conjunction with a vendor chosen in accordance with Subsection (1)(a).

(3) The Superintendent shall award a diploma to a candidate who receives a passing score on an HSE exam.

**R277-702-4. Eligibility for HSE Testing.**

(1) Any individual may take a Utah HSE exam regardless of:

- (a) race;
- (b) color;
- (c) national origin;
- (d) gender;
- (e) disability; or
- (f) state of residency.

(2) A candidate for the HSE exam:

- (a) shall be at least 16 years of age; and
- (b) may not be enrolled in any Utah k-12 school.

(3) A 16-year-old candidate shall submit a completed state of Utah HSE Candidate and Adult Education Eligibility Form, which shall include:

(a) verification in a manner approved by the Superintendent that the candidate is not enrolled in a school;

(b) verification that the candidate understands and accepts the consequences and educational choices associated with the candidate's withdrawal from a K-12 program of instruction, including the prohibition from returning to a K-12 program anywhere in Utah upon successful passing of an HSE exam; and

(c) signed acknowledgment from the candidate's parent or guardian specifically stating that the candidate and parent or guardian:

(i) understand and accept the consequences and educational choices associated with the candidate's decision to withdraw from a K-12 program of instruction; and

(ii) authorize the candidate to take an HSE exam; and

(d) verification from a representative of a Utah state-sponsored adult education district program that the candidate demonstrates academic competencies to meet with success in passing the HSE exam.

(4) A 16 year-old candidate may provide a marriage certificate in lieu of the requirement of Subsection (3)(c) if the candidate is married.

(5) A 17 or 18 year-old candidate whose cohort has not graduated shall submit a state of Utah HSE Candidate and Adult Education Eligibility Form, which shall include:

(a) verification in a manner approved by the Superintendent that the candidate is not enrolled in school; and

(b) the signature of the candidate's parent or guardian authorizing the test.

(6) A candidate may submit a marriage certificate in lieu of the requirement contained in Subsection (5)(b) if the candidate is married.

(7) An out-of-school youth of school age who has not successfully passed all HSE exam modules shall be allowed to return to a k-12 public school prior to the time his class graduates with the understanding and expectation that all necessary requirements for the traditional k-12 diploma shall be completed prior to issuance of a regular high school diploma.

(8) An out-of-school youth of school age who has received a Utah high school completion diploma is not eligible to return to a k-12 public school unless it is required for provision of a free appropriate public education under the Individuals with Disabilities Education Act, 20 U.S.C., Chapter 33.

#### **R277-702-5. Fees.**

(1) The Superintendent, with approval of the Board, shall adopt uniform fees for the Utah high school completion diploma and uniform forms, deadlines, and accounting procedures to administer this program for inclusion with the contract with the contractor identified in accordance with Subsection R277-702-3(1)(a).

(2) An approved testing center may only collect a fee in accordance with the amounts and procedures approved pursuant to Subsection (1).

#### **R277-702-6. Official Transcripts.**

(1) The Board shall accept HSE exam scores when an original score is reported by:

(a) a Board-approved HSE exam testing center;

(b) the transcript service of the Defense Activity for Non-Traditional Educational Support;

(c) a Veterans Administration hospital or center; or

(d) a contractor selected by the Superintendent in accordance with Subsection R277-702-3(1)(a) or the contractor's authorized agent.

(2) The Superintendent shall include a candidate's HSE exam result on the candidate's official transcript.

#### **R277-702-7. Adult High School Outcomes.**

(1) A local board of education may adopt standards and procedures for awarding up to five units of credit on the basis of test results which may be applied toward an adult education secondary diploma only if the student was enrolled in an adult education program prior to July 1, 2009 and an approved HSE exam was transcribed prior to July 1, 2009.

(2) An individual who took and passed an approved HSE exam prior to January 1, 2002 may enroll in an adult education program now and in the future to obtain an adult education secondary diploma upon completion of graduation requirements as defined in Rule 277-733, but may not apply for a previously issued HSE exam certificate to be converted to a Utah high school completion diploma.

(3) An individual who took and passed an approved HSE exam in the state of Utah between the dates of January 1, 2002 and June 30, 2009 may apply for a Utah high school completion diploma to replace the originally issued HSE exam certificate issued by the Board or they may enroll in an adult education program to complete the necessary requirements for an adult education secondary diploma.

#### **R277-702-8. HSE Exam Security.**

(1) The following individuals may have access to the HSE exam:

(a) Board staff approved by the Superintendent;

(b) Authorized test examiners;

(c) A contractor selected pursuant to Subsection R277-702-3(1)(a) and the contractor's agents;

(d) Approved exam candidates during exam administration; or

(e) An individual granted access in writing by the Superintendent.

(2) A test facilitator shall administer an HSE exam in strict accordance with procedures and guidelines specified by the Superintendent and the contractor approved in accordance with Subsection R277-702-3(1)(a).

(3) School staff members may not:

(a) provide a student directly or indirectly with specific questions or answers from any official HSE exam;

(b) allow a student access to any testing material, in any form, prior to test administration; or

(c) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of an exam score of any individual student or group taking an HSE exam.

(4) A licensed educator who intentionally violates this Section R277-702-8 may be subject to disciplinary action under Section 53E-6-604 and R277-217.

**KEY: adult education, educational testing, student competency**

**Date of Enactment or Last Substantive Amendment: April 9, 2020**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b); 53E-3-401**