

R277-604 received final approval by the Utah State Board of Education on March 19, 2020. R277-604 is published in the April 15, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of May 22, 2020.

**R277. Education, Administration.**

**R277-604. Private School, Home School, and Bureau of Indian ~~[Affairs (BIA)]~~  
Education Student Participation in Public School Achievement Tests.**

**R277-604-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53E-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-4-302, which directs the Board to require ~~[school districts and charter schools]~~ LEAs to administer ~~[the U-PASS]~~ statewide assessments ~~[system]~~ to uniformly measure ~~[statewide]~~ student performance.

(2) The purpose of this rule is:

(a) to provide opportunities for Utah private school students and home school students who are Utah residents, and Utah students attending Bureau of Indian ~~[Affairs (BIA)]~~ Education or "BIE" schools to participate in ~~[U-PASS]~~ statewide assessments;

(b) to maintain the integrity and security of ~~[U-PASS]~~ statewide assessments and Utah's accountability system;

(c) to provide an orderly and manageable administrative process for public schools to include Utah private school students and home school students who are Utah residents, and Utah students attending ~~[BIA]~~ BIE schools to participate in ~~[U-PASS]~~ statewide assessments if they so desire; and

(d) to protect the public investment in ~~[U-PASS]~~ statewide assessments and Utah's accountability system by making assessments available to students who are not funded by the public education system through fair, reasonable, and consistent practices.

**R277-604-2. Definitions.**

(1) "Home school student" means a student who has been excused from compulsory education and for whom documentation has been completed under Section 53G-6-204.

(2) "Private school" means a school that is not a public school but:

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(a) has a current business license through the Utah Department of Commerce;  
(b) is accredited as described in R277-410; and  
(c) has and makes available a written policy for maintaining and securing student records.

(3) [~~"Utah Performance Assessment System for Students" or "U-PASS"~~] "Statewide assessment" means:

(a) the summative adaptive assessment of a student in grades 3 through 8 in basic skills courses;  
(b) the online writing assessment in grades 5 and 8;  
(c) [~~a~~] the summative high school assessment in grades 9 and 10;  
(d) [~~a~~] the statewide English Language proficiency assessment;  
(e) the college readiness assessment; and  
(f) the [~~summative~~] benchmark assessment of a student in grades 1 through 3 to measure [~~reading grade level using the end of year benchmark reading assessment~~] competency.

### **R277-604-3. Private Schools.**

(1) Private school students who are Utah residents, as defined under 53G-6-302, may participate in [~~U-PASS~~] statewide assessments.

(2) Private school students who are not Utah residents may participate in [~~U-PASS~~] statewide assessments only by payment in advance of the full cost of administering individual assessments to the LEA as determined by local school board policy.

(3)(a) If a [P]private school[s that are] is interested in participating in [~~U-PASS~~] statewide assessments [may, at the public school district's discretion, do so only in the public school district in which the private school is located], an LEA may allow the private school to participate with the LEA's students.

(b) [~~School districts shall~~] An LEA may determine at which public schools within the [district] LEA private school students may take [achievement tests] statewide assessments.

(c) A private school may request the following from the [~~school district~~] LEA [in which the private school is located] with whom the private school is testing its students:

(i) an annual schedule of [~~U-PASS~~] statewide assessment dates;

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(ii) the locations at which private school[s] students may be tested; and

(iii) written policies for private school student participation.

(4) ~~[A school district]~~ An LEA shall develop a policy regarding private school student participation in ~~[U-PASS]~~ statewide assessments, which shall include:

(a) reasonable costs for the participation of Utah private school students in ~~[U-PASS]~~ statewide assessments to be paid in advance by either the student or the student's private school;

(b) an explanation of reasonable costs including costs for administration materials, scoring, and reporting of assessment results;

(c) notice to private school administrators of any required private school administrator participation in monitoring or proctoring of tests; and

(d) reasonable time~~[-]~~lines for private school requests for participation and ~~[school district or school]~~ LEA response.

#### **R277-604-4. Home School Students.**

(1) A home school student who is a Utah resident, as defined under Section 53G-6-302, may participate in ~~[U-PASS]~~ statewide assessments as provided in this rule.

(2) A home school student may participate in ~~[U-PASS]~~ statewide assessments only if the student has satisfied the home schooling requirements of Section 53G-6-204.

(3) A home school student who desires to participate in ~~[U-PASS]~~ statewide assessments may participate in an LEA convenient to the student's circumstances~~[-]~~.

~~[(a) the public school district in which the home school student's parent or legal guardian resides; or~~

~~—(b) a charter school.]~~

(4) A home school student or parent may request the following from the ~~[school district]~~ LEA in which the home school student ~~[or parent resides or a charter school]~~ is participating in statewide assessments:

(a) an annual schedule of ~~[U-PASS]~~ statewide assessments dates;

(b) the locations at which home school students may be tested; and

(c) written policies for home school student participation.

(5) ~~[A school district or charter school]~~ An LEA shall develop a policy regarding

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home school student participation in [~~U-PASS~~] statewide assessments, which:

(a) may not require a home school student to pay a fee that is not charged to traditional students;

(b) shall include notice to home school students or parents of any required parent or adult participation [~~in monitoring or proctoring of tests~~]; and

(c) shall include reasonable time lines for home school requests for participation and [~~school district or school~~] LEA response.

#### **R277-604-5. Bureau of Indian [~~Affairs (BIA)~~] Education Students.**

(1) [~~BIA~~] BIE schools may participate in all [~~U-PASS~~] statewide assessments required for all Utah students.

(2) Materials and training shall be provided to [~~BIA~~] BIE schools from the [~~public school district~~] LEA in which the school is located on the schedule that applies to Utah school districts.

#### **R277-604-6. LEA Responsibilities.**

An LEA shall comply with the following when administering [~~U-PASS~~] statewide assessments to a private, home school, or Bureau of Indian Affairs' student:

(1) [~~Board~~] Rule R277-404; and

(2) the Standard Test Administration and Testing Ethics Policy described in Section R277-404-3.

**KEY: home school, private school, participation, achievement tests**

**Date of Enactment or Last Substantive Amendment: December 8, 2016**

**Notice of Continuation: October 13, 2016**

**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-4-302(1)(a)**