

1 **R277. Education, Administration.**

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

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

5 (1) This rule is authorized by:

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

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

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

13 (2) The purpose of this rule is:

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

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

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

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

26

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

28 (1) "Home school student" means a student who has been excused from
29 compulsory education and for whom documentation has been completed under Section
30 [53G-6-204](#).

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

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

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

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

47

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

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

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

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

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

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

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

- 63 (ii) the locations at which private school[s] students may be tested; and
64 (iii) written policies for private school student participation.
65 (4) ~~[A school district]~~ An LEA shall develop a policy regarding private school student
66 participation in ~~[U-PASS]~~ statewide assessments, which shall include:
67 (a) reasonable costs for the participation of Utah private school students in ~~[U-~~
68 PASS] statewide assessments to be paid in advance by either the student or the student's
69 private school;
70 (b) an explanation of reasonable costs including costs for administration materials,
71 scoring, and reporting of assessment results;
72 (c) notice to private school administrators of any required private school
73 administrator participation in monitoring or proctoring of tests; and
74 (d) reasonable time~~[-]~~lines for private school requests for participation and ~~[school~~
75 district or school] LEA response.

76

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

78 (1) A home school student who is a Utah resident, as defined under Section [53G-6-](#)
79 [302](#), may participate in ~~[U-PASS]~~ statewide assessments as provided in this rule.

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

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

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

86 ~~—(b) a charter school.]~~

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

- 90 (a) an annual schedule of ~~[U-PASS]~~ statewide assessments dates;
91 (b) the locations at which home school students may be tested; and
92 (c) written policies for home school student participation.

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

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

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

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

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

101

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

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

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

108

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

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

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

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

115

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

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

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

119 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#);**
120 **[53E-4-302](#)(1)(a)**