

1 **R277. Education, Administration.**

2 **R277-404. Requirements for Assessments of Student Achievement.**

3 **R277-404-1. Authority, ~~and~~ Purpose, and Oversight Category.**

4 (1) This rule is authorized by:

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

7 (b) Subsection [53E-3-401](#)(4), which allows the Board to make rules to execute
8 the Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Section [53E-4-302](#), which directs the Board to adopt rules for the
10 administration of statewide assessments; and

11 (d) Subsection [53G-6-803](#)(9)(b), which requires the Board to adopt rules to
12 establish a statewide procedure for exempting a student from taking certain
13 assessments.

14 (2) The purpose of this rule is to:

15 (a) provide consistent definitions; and

16 (b) assign responsibilities and procedures for the administration of statewide
17 assessments, as required by state and federal law.

18 (3) This Rule R277-404 is categorized as Category 3 as described in Rule R277-
19 111.

20
21 **R277-404-2. Definitions.**

22 (1) "Benchmark reading assessment" means the same as the term is defined in
23 Section [R277-406-2](#).

24 (2) "Benchmark mathematics assessment" means the same as the term is
25 defined in Section [R277-406-2](#).

26 (3) "College readiness assessment" means the:

27 (a) same as that term is described in Section [53E-4-305](#); and

28 (b) the ACT.

29 (4) "English Learner" or "EL student" means a student who is learning in English
30 as a second language.

31 (5) "English language proficiency assessment" means the WIDA Assessing
32 Comprehension in English State-to-State (ACCESS), which is designed to measure the
33 acquisition of the academic English language for an English Learner student.

34 (6) "Family Educational Rights and Privacy Act of 1974" or "FERPA," 20 U.S.C.
35 1232g, means a federal law designed to protect the privacy of students' education
36 records.

37 (7) "High school assessment":

38 (a) means the same as that term is described in Section [53E-4-304](#);

39 (b) means the "Utah Aspire Plus"; and

40 (c) includes the Utah Aspire Plus assessment of proficiency in:

41 (i) English;

42 (ii) math;

43 (iii) science; and

44 (iv) reading.

45 (8) "National Assessment of Education Progress" or "NAEP" means the national
46 achievement assessment administered by the United States Department of Education
47 to measure and track student academic progress.

48 (9) "Statewide assessment" means an assessment described in Subsection
49 [53G-6-803](#)(9)(a).

50 (10) "Standards Assessment":

51 (a) means the same as that term is described in Subsection [53E-4-303](#)(2)(a);

52 (b) means the "Readiness Improvement Success Empowerment" or "RISE"; and

53 (c) for each school year, includes one writing prompt from the writing portion of
54 the RISE English language arts assessment for grades 5 and 8.

55 (11) "Statewide assessment" means the:

56 (a) the same as that term is defined in Subsection [53E-4-301](#)(2);

57 (b) Utah alternate assessment; and

58 (c) English language proficiency assessment.

59 (12) "Section 504 accommodation plan" means a plan:

60 (a) required by Section 504 of the Rehabilitation Act of 1973; and

61 (b) designed to accommodate an individual who has been determined, as a
62 result of an evaluation, to have a physical or mental impairment that substantially limits
63 one or more major life activities.

64 (13)(a) "Utah alternate assessment" means an assessment instrument:

65 (i) for a student in special education with a disability so severe the student is not
66 able to participate in a statewide assessment even with an assessment accommodation
67 or modification; and

68 (ii) that measures progress on the Utah core instructional goals and objectives in
69 the student's IEP.

70 (b) "Utah alternate assessment" means, for English language arts, science and
71 mathematics, the Dynamic Learning Maps (DLM).

72 (14) "Utah eTranscript and Record Exchange" or "UTREx" means a system that
73 allows:

74 (a) an LEA and the Superintendent to electronically exchange an individual
75 detailed student record; and

76 (b) electronic transcripts to be sent to any post-secondary institution, private or
77 public, in-state or out-of-state, that participates in the e-transcript service.

78

79 **R277-404-3. Incorporation of Standard Test Administration and Testing Ethics**
80 **Policy by Reference.**

81 (1) This rule incorporates by reference the Standard Test Administration and
82 Testing Ethics Policy, [~~April 7, 2022~~] dated May 2024, which establishes:

83 (a) the purpose of testing;

84 (b) the statewide assessments to which the policy applies;

85 (c) direction to reference the formative tools' guidance documentation;

86 (d) teaching practices before assessment occurs;

- 87 (e) required procedures for after an assessment is complete and for providing
88 assessment results;
- 89 (f) unethical practices;
- 90 (g) accountability for ethical test administration;
- 91 (h) procedures related to testing ethics violations; and
- 92 (i) additional resources.

93 (2) A copy of the Standard Test Administration and Testing Ethics Policy is
94 located at:

95 (a) [<https://schools.utah.gov/assessment?mid=1104&tid=4>]
96 <https://schools.utah.gov/administrativerules/documentsincorporated> and

97 (b) the Utah State Board of Education - 250 East 500 South, Salt Lake City,
98 Utah 84111.

99

100 **R277-404-4. Superintendent Responsibilities.**

101 (1) The Superintendent shall facilitate:

102 (a) administration of statewide assessments; and

103 (b) participation in NAEP, in accordance with Subsection [53E-4-302\(1\)\(b\)](#).

104 (2) The Superintendent shall provide guidelines, timelines, procedures, and
105 assessment ethics training and requirements for all statewide assessments.

106 (3) The Superintendent shall designate a testing schedule for each statewide
107 assessment and publish the testing window dates on the Board's website before the
108 beginning of the school year.

109

110 **R277-404-5. LEA Responsibilities - Time Periods for Assessment Administration.**

111 (1)(a) Except as provided in Subsection (1)(b) and Section R277-404-7 an LEA
112 shall administer statewide assessments to all students enrolled in the grade level or
113 course to which the assessment applies.

114 (b) A student's IEP team, English Learner team, or Section 504 accommodation
115 plan team shall determine an individual student's participation in statewide assessments
116 consistent with the Utah Participation and Accommodations Policy.

117 (2) An LEA shall develop a plan to administer statewide assessments.

118 (3) The plan shall include:

119 (a) the dates that the LEA will administer each statewide assessment;

120 (b) professional development for an educator to fully implement the assessment
121 system;

122 (c) training for an educator, appropriate paraprofessional, or third party proctor in
123 the requirements of assessment administration ethics; and

124 (d) training for an educator and an appropriate paraprofessional to use statewide
125 assessment results effectively to inform instruction.

126 (4) An LEA shall ~~[submit]~~ provide assurance that the LEA has met the
127 requirements of the LEA's plan to the Superintendent by ~~[September]~~ August 15
128 annually.

129 (5) At least once each school year, an LEA shall provide professional
130 development for all educators, administrators, and assessment administrators, including
131 third party proctors, concerning guidelines and procedures for statewide assessment
132 administration, including educator responsibility for assessment security and proper
133 professional practices.

134 (6) LEA assessment staff or third party proctor staff shall use the Standard Test
135 Administration and Testing Ethics Policy in providing training for all assessment
136 administrators and proctors.

137 (7) An LEA may not release statewide assessment data publicly until authorized
138 to do so by the Superintendent.

139 (8) An LEA educator, third party proctor, or trained employee shall administer
140 statewide assessments consistent with the testing schedule published on the Board's
141 website.

142 (9) An LEA educator, third party proctor, or trained employee shall complete all
143 required assessment procedures before the end of the assessment window defined by
144 the Superintendent.

145 (10)(a) If an LEA requires an alternative schedule with assessment dates
146 outside of the Superintendent's published schedule, the LEA shall submit the alternative
147 testing plan to the Superintendent by September 15 annually.

148 (b) The alternative testing plan shall set dates for assessment administration for
149 courses taught face-to-face or online.

150

151 **R277-404-6. School Responsibilities.**

152 (1) An LEA may not prohibit a student from enrolling in an honors, advanced
153 placement, or International Baccalaureate course:

154 (a) based on a student's score on a statewide assessment; or

155 (b) because the student was exempted from taking a statewide assessment.

156 (2) An LEA and school shall require an educator, assessment administrator, and
157 proctor, including a third party proctor, to individually sign a document provided by the
158 Superintendent acknowledging or assuring that the educator administers statewide
159 assessments consistent with ethics and protocol requirements.

160 (3) An educator and assessment administrator shall conduct assessment
161 preparation, supervise assessment administration, and certify assessment results
162 before providing results to the Superintendent.

163 (4) An educator, assessment administrator, and proctor shall securely handle
164 and return all protected assessment materials, where instructed, in strict accordance
165 with the procedures and directions specified in assessment administration manuals,
166 LEA rules and policies, and the Standard Test Administration and Testing Ethics Policy.

167

168 **R277-404-7. Student and Parent Participation in Student Assessments in Public**
169 **Schools; Parental Exclusion from Testing and Safe Harbor Provisions.**

170 (1) As used in this section, "penalize" means to put in an unfavorable position or
171 at an unfair disadvantage.

172 (2)(a) A parent is primarily responsible for a child's education and has the
173 constitutional right to determine which aspects of public education the child participates
174 in, including assessment systems.

175 (b) Parents may further exercise their inherent rights to exempt their children
176 from a statewide assessment without further consequence by an LEA.

177 (3)(a) A parent may exercise the right to exempt their child from a statewide
178 assessment.

179 (b) Except as provided in Subsection (3)(c), an LEA may not penalize a student
180 who is exempted from a statewide assessment under this section.

181 (c) If a parent exempts the parent's child from the basic civics test required in
182 Sections [53E-4-205](#) and [R277-700-8](#), the parent's child is not exempt from the
183 graduation requirement in Subsection [53E-4-205](#)(2), and may not graduate without
184 successfully completing the requirements of Sections [53E-4-205](#) and [R277-700-8](#).

185 (4)(a) To exercise the right to exempt a child from a statewide assessment under
186 this provision and ensure the protections of this provision, a parent shall:

187 (i) fill out:

188 (A) the Parental Exclusion from State Assessment Form provided on the Board's
189 website; or

190 (B) an LEA specific form as described in Subsection (4)(b); and

191 (ii) submit the form:

192 (A) to the principal or LEA either by email, mail, or in person; and

193 (B) on an annual basis; and

194 (C) except as provided in Subsection (4)(b), at least one day before the
195 beginning of the assessment.

196 (b) An LEA may allow a parent to exempt a student from taking a statewide
197 assessment less than one day before the beginning of the assessment upon parental
198 request.

199 (c) An LEA may create an LEA specific form for a parent to fill out as described
200 in Subsection (4)(a)(i)(B) if:

201 (i) the LEA includes a list of local LEA assessments that a parent may exempt
202 the parent's student from as part of the LEA specific form; and

203 (ii) the LEA specific form includes information described in the Parental
204 Exclusion from State Assessment Form provided on the Board's website as described in
205 Subsection (4)(a)(i)(A).

206 (5)(a) A teacher, principal, or other LEA administrator may contact a parent to
207 verify that the parent submitted a parental exclusion form described in Subsection
208 (4)(a)(i).

209 (b) An LEA may request, but may not require, a parent to meet with a teacher,
210 principal, or other LEA administrator regarding the parent's request to exclude the
211 parent's student from taking a statewide assessment.

212 (6) The administration of any assessment that is not a statewide assessment,
213 including consequences associated with taking or failing to take the assessment, is
214 governed by policy adopted by each LEA.

215 (7) An LEA shall provide a student's individual test results and scores to the
216 student's parent or guardian upon request and consistent with the protection of student
217 privacy.

218 (8) An LEA may not provide a nonacademic reward to a student for a student's
219 participation in or performance on a statewide assessment.

220 (9) An LEA shall allow an educator to provide an academic incentive for a
221 student's performance on a statewide assessment in accordance with Subsections [53E-](#)
222 [4-303\(4\)\(b\)](#), [304\(3\)](#), and [305\(4\)](#).

223 (10) An LEA shall ensure that a student who has been exempted from
224 participating in a statewide assessment under this section is provided with an alternative
225 learning experience if the student is in attendance during test administration.

226 (11) An LEA may allow a student who has been exempted from participating in a
227 statewide assessment under this section to be physically present in the room during test
228 administration.

229

230 **R277-404-8. Public Education Employee Compliance with Assessment**

231 **Requirements, Protocols, and Security.**

232 (1) An educator, test administrator or proctor, administrator, or school employee
233 may not:

234 (a) violate any specific assessment administrative procedure specified in the
235 assessment administration manual, violate any state or LEA statewide assessment
236 policy or procedure, or violate any procedure specified in the Standard Test
237 Administration and Testing Ethics Policy;

238 (b) fail to administer a statewide assessment;

239 (c) fail to administer a statewide assessment within the designated assessment
240 window;

241 (d) submit falsified data;

242 (e) allow a student to copy, reproduce, or photograph an assessment item or
243 component; or

244 (f) knowingly do anything that would affect the security, validity, or reliability of
245 statewide assessment scores of any individual student, class, or school.

246 (2) A school employee or third party proctor shall promptly report an assessment
247 violation or irregularity to a building administrator, an LEA superintendent or director, or
248 the Superintendent.

249 (3) An educator who violates this rule or an assessment protocol is subject to
250 Utah Professional Practices Advisory Commission or Board disciplinary action
251 consistent with Rule [R277-215](#).

252 (4) All assessment material, questions, and student responses for required
253 assessments is designated protected, consistent with Subsection [63G-2-305\(5\)](#), until
254 released by the Superintendent.

255 (5)(a) Each LEA shall ensure that all assessment content is secured so that only
256 authorized personnel have access and that assessment materials are returned to
257 Superintendent following testing, as required by the Superintendent.

258 (b) An individual educator, third party proctor, or school employee may not retain
259 or distribute test materials, in either paper or electronic form, for purposes inconsistent
260 with ethical test administration or beyond the time period allowed for test administration.

261

262 **R277-404-9. Data Exchanges.**

263 (1) The Board's IT Section shall communicate regularly with an LEA regarding
264 the required format for electronic submission of required data.

265 (2) An LEA shall update UTREx data using the processes and according to
266 schedules determined by the Superintendent.

267 (3) An LEA shall ensure that any computer software for maintaining or
268 submitting LEA data is compatible with data reporting requirements established in Rule
269 [R277-484](#).

270 (4) The Superintendent shall provide direction to an LEA detailing the data
271 exchange requirements for each statewide assessment.

272 (5) An LEA shall ensure that all statewide assessment data have been collected
273 and certify that the data are ready for accountability purposes no later than July 12.

274 (6) An LEA shall verify that it has satisfied all the requirements of the
275 Superintendent's directions described in this section.

276 (7) Beginning with the 2022-2023 school year and consistent with Utah law, the
277 Superintendent shall return assessment results from all statewide assessments to the
278 school before the end of the school year.

279

280 **KEY: assessments, student achievements**

281 **Date of Last Change: July 22, 2022**

282 **Notice of Continuation: July 28, 2021**

283 Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-4-302](#); [53E-3-](#)
284 [401\(4\)](#); [53G-6-803\(9\)\(b\)](#)