

R277. Education, Administration.

R277-604. Private School, Home School, Scholarship, and Bureau of Indian Education (BIE) 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-3-401, 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 LEAs to administer statewide assessments to uniformly measure 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, scholarships students, and Utah students attending Bureau of Indian Education or "BIE" schools to participate in statewide assessments;

(b) to maintain the integrity and security of 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, scholarships students, and Utah students attending BIE schools to participate in statewide assessments if they so desire; and

(d) to protect the public investment in statewide assessments and Utah's accountability system by making assessments available to students who are not funded by the public education system or through certain state funded scholarship programs through fair, reasonable, and consistent practices.

R277-604-2. Definitions.

(1) "Eligible school" means an eligible school that Utah Fits All Scholarship Program Manager approves in accordance with Section 53F-6-408.

30 ~~[(1)]~~(2) "Home school student" means a student who has been excused from
31 compulsory education and for whom documentation has been completed under Section
32 [53G-6-204](#).

33 ~~[(2)]~~(3) "Private school" means a school that is not a public school but:
34 (a) has a current business license through the Utah Department of Commerce;
35 (b) is accredited as described in [R277-410](#); and
36 (c) has and makes available a written policy for maintaining and securing student
37 records.

38 (4) "Qualifying school" means a qualifying school participating in the Special
39 Needs Opportunity Scholarship Program as defined in Section [53E-7-401](#).

40 (5) "Scholarship student" means the same as that term is defined in:

41 (a) Section [53F-6-401](#); or

42 (b) Section [53E-7-401](#).

43 ~~[(3)]~~(6) "Statewide assessment" means:

44 ~~[(a) the summative adaptive assessment of a student in grades 3 through 8 in~~
45 ~~basic skills courses;~~

46 ~~— (b) the online writing assessment in grades 5 and 8;~~

47 ~~— (c) the summative high school assessment in grades 9 and 10;]~~

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

49 ~~[(d)]~~(b) the statewide English Language proficiency assessment; and;

50 ~~— (e) the college readiness assessment; and]~~

51 ~~[(f)]~~(c) the benchmark assessment of a student in grades 1 through 3 to measure
52 competency.

53
54 **R277-604-3. Private Schools, Eligible Schools and Qualifying Schools.**

55 (1) Private school and scholarship students who are Utah residents, as defined
56 under [53G-6-302](#), may participate in statewide assessments.

(2) Private school students who are not Utah residents may participate in 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 private school, eligible school, or qualifying school is interested in participating in statewide assessments, an LEA may allow the private school, eligible school, or qualifying school to participate with the LEA's students.

(b) An LEA may determine at which public schools within the LEA private school or scholarship students may take statewide assessments.

(c) A private school, eligible school, or qualifying school may request the following from the LEA with whom the private school, eligible school, or qualifying school is testing its students:

(i) an annual schedule of statewide assessment dates;

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

(iii) ~~written~~ policies for private school student participation.

(4) An LEA shall develop a policy regarding private school and scholarship student participation in statewide assessments, which shall include:

(a) reasonable costs for the participation of Utah private school or scholarship students in statewide assessments to be paid in advance by either the student or the student's private school, eligible school, or qualifying school;

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

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

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

(e) except as provided in Subsection (5), shall prohibit the release or sharing of student results to any entity other than the private school, eligible school, qualifying school, program manager, the scholarship student, or the scholarship student's parent.

(5) If a private school student or scholarship student is partially enrolled in a public school, the public school may also receive the student results described in Subsection (4)(e).

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 statewide assessments as provided in this rule.

(2) A home school student may participate in 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 statewide assessments may participate in an LEA convenient to the student's circumstances.

(4) A home school student or parent may request the following from the LEA in which the home school student is participating in statewide assessments:

(a) an annual schedule of statewide assessments dates;

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

(c) ~~written~~ policies for home school student participation.

(5) An LEA shall develop a policy regarding home school student participation in 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; and

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

R277-604-5. Bureau of Indian Education (BIE) Students.

(1) BIE schools may participate in all statewide assessments required for all Utah students.

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

R277-604-6. Scholarship Students Not Enrolled in an Eligible School or Qualifying School.

(1) A scholarship student not enrolled in an eligible school, a qualifying school, or part time in an LEA, may participate in all statewide assessments required for all Utah students.

(2) A scholarship student who is not enrolled in an eligible school or qualifying school and desires to participate in statewide assessments may participate in an LEA convenient to the student's circumstances.

(3) A scholarship student who is not enrolled in an eligible school or qualifying school or the scholarship student's parent may request the following from the LEA in which the scholarship student is participating in statewide assessments:

(a) an annual schedule of statewide assessments dates;

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

(c) ~~written~~ policies for scholarship student participation.

(4) An LEA shall develop a policy regarding participation in statewide assessments for scholarship students who are not enrolled in an eligible school or qualifying school, which:

(a) shall include notice of any required parent or adult participation;

(b) shall include reasonable timelines for scholarship student requests for participation and LEA response; and

(c) except as provided in Subsection (5), shall prohibit the release or sharing of student results to any entity other than the program manager, the scholarship student, or the scholarship student's parent.

(5) If a scholarship student who is not enrolled in an eligible school or qualifying school is partially enrolled in a public school, the public school may also receive the student results described in Subsection (4)(c).

R277-604-[6]7. LEA Responsibilities.

An LEA shall comply with the following when administering statewide assessments to a private, home school, scholarship, or Bureau of Indian Education's student:

- (1) 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: May 26, 2020

Notice of Continuation: April 21, 2021

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