

1 **R277. Education, Administration.**

2 **R277-604. Private School, Home School, Scholarship, and Bureau of Indian**  
3 **Education (BIE) 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-3-401, which allows the Board to make rules to execute the  
9 Board's duties and responsibilities under the Utah Constitution and state law; and

10 (c) Section 53E-4-302, which directs the Board to require LEAs to administer  
11 statewide assessments to uniformly measure student performance.

12 (2) The purpose of this rule is:

13 (a) to provide opportunities for Utah private school students and home school  
14 students who are Utah residents, scholarships students, and Utah students attending  
15 Bureau of Indian Education or "BIE" schools to participate in statewide assessments;

16 (b) to maintain the integrity and security of statewide assessments and Utah's  
17 accountability system;

18 (c) to provide an orderly and manageable administrative process for public  
19 schools to include Utah private school students and home school students who are  
20 Utah residents, scholarships students, and Utah students attending BIE schools to  
21 participate in statewide assessments if they so desire; and

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

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

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

30           (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           (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 Rule R277-410; and  
36           (c) has and makes available a written policy for maintaining and securing  
37 student 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           (6) "Statewide assessment" means:

44           (a) the same as that term is defined in Section 53E-4-301;

45           (b) the statewide English Language proficiency assessment; and

46           (c) the benchmark assessment of a student in grades 1 through 3 to measure  
47 competency.

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

50           (1) Private school and scholarship students who are Utah residents, as defined  
51 under Section 53G-6-302, may participate in statewide assessments.

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

55           (3)(a) If a private school, eligible school, or qualifying school is interested in  
56 participating in statewide assessments, an LEA may allow the private school, eligible  
57 school, or qualifying school to participate with the LEA's students.

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

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

63           (i) an annual schedule of statewide assessment dates;

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

65           (iii) policies for private school student participation.

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

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

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

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

76           (d) reasonable timelines for private school requests for participation and LEA  
77 response; and

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

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

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

86 (1) A home school student who is a Utah resident, as defined under Section  
87 53G-6-302, may participate in statewide assessments as provided in this rule.

88 (2) A home school student may participate in statewide assessments only if the  
89 student has satisfied the home schooling requirements of Section 53G-6-204.

90 (3) A home school student who desires to participate in statewide assessments  
91 may participate in an LEA convenient to the student's circumstances.

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

94 (a) an annual schedule of statewide assessments dates;

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

96 (c) policies for home school student participation.

97 (5) An LEA shall develop a policy regarding home school student participation in  
98 statewide assessments, which:

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

101 (b) shall include notice to home school students or parents of any required  
102 parent or adult participation; and

103 (c) shall include reasonable timelines for home school requests for participation  
104 and LEA response.

105

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

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

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

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

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

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

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

123           (a) an annual schedule of statewide assessments dates;

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

125           (c) policies for scholarship student participation.

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

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

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

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

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

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139 **R277-604-7. LEA Responsibilities.**

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

143 (1) Rule R277-404; and

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

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

148 **Date of Last Change: December 11, 2023**

149 **Notice of Continuation: April 21, 2021**

150 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-4-**

151 **302(1)(a)**

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