

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 schools  
19 to include Utah private school students and home school students who are Utah  
20 residents, scholarships students, and Utah students attending BIE schools to participate  
21 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.

26

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           ~~[(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

89

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

91 (1) A home school student who is a Utah resident, as defined under Section [53G-](#)  
92 [6-302](#), may participate in statewide assessments as provided in this rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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144 **R277-604-~~6~~7. LEA Responsibilities.**

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

147 (1) Rule R277-404; and

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

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

152 **Date of Enactment or Last Substantive Amendment: May 26, 2020**

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

154 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-4-  
155 302(1)(a)**