

R277. Education, Administration.

R277-604. Private School, Home School, and Bureau of Indian Education 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-1-401, 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, 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, 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 through fair, reasonable, and consistent practices.

R277-604-2. Definitions.

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

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

(a) has a current business license through the Utah Department of Commerce;

(b) is accredited as described in R277-410; and

(c) has and makes available a written policy for maintaining and securing student

records.

(3) "Statewide assessment" means:

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

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

(c) the summative high school assessment in grades 9 and 10;

(d) the statewide English Language proficiency assessment;

(e) the college readiness assessment; and

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

R277-604-3. Private Schools.

(1) Private school students who are Utah residents, as defined 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 is interested in participating in statewide assessments, an LEA may allow the private school to participate with the LEA's students.

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

(c) A private school may request the following from the LEA with whom the private 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 student participation in statewide assessments, which shall include:

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

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

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

(d) reasonable timelines for private school requests for participation and LEA response.

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 for home school requests for participation and LEA response.

R277-604-5. Bureau of Indian Education 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. LEA Responsibilities.

An LEA shall comply with the following when administering statewide assessments to a private, home school, or Bureau of Indian Affairs' 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

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