

1 **R277. Education, Administration.**

2 **R277-604. Private School, Home School, and Bureau of Indian ~~[Affairs (BIA)]~~**
3 **Education 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-1-401](#), which allows the Board to make rules to execute the Board's
9 duties and responsibilities under the Utah Constitution and state law; and

10 (c) Section [53E-4-302](#), which directs the Board to require ~~[school districts and~~
11 ~~charter schools]~~ LEAs to administer ~~[the U-PASS]~~ statewide assessments ~~[system]~~ to
12 uniformly measure ~~[statewide]~~ student performance.

13 (2) The purpose of this rule is:

14 (a) to provide opportunities for Utah private school students and home school
15 students who are Utah residents, and Utah students attending Bureau of Indian ~~[Affairs~~
16 ~~(BIA)]~~ Education or "BIE" schools to participate in ~~[U-PASS]~~ statewide assessments;

17 (b) to maintain the integrity and security of ~~[U-PASS]~~ statewide assessments and
18 Utah's accountability system;

19 (c) to provide an orderly and manageable administrative process for public schools
20 to include Utah private school students and home school students who are Utah residents,
21 and Utah students attending ~~[BIA]~~ BIE schools to participate in ~~[U-PASS]~~ statewide
22 assessments if they so desire; and

23 (d) to protect the public investment in ~~[U-PASS]~~ statewide assessments and Utah's
24 accountability system by making assessments available to students who are not funded
25 by the public education system through fair, reasonable, and consistent practices.

26

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

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

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

- 32 (a) has a current business license through the Utah Department of Commerce;
33 (b) is accredited as described in [R277-410](#); and
34 (c) has and makes available a written policy for maintaining and securing student
35 records.

36 (3) [~~"Utah Performance Assessment System for Students" or "U-PASS"~~] "Statewide
37 assessment" means:

- 38 (a) the summative adaptive assessment of a student in grades 3 through 8 in basic
39 skills courses;
40 (b) the online writing assessment in grades 5 and 8;
41 (c) [~~a~~] the summative high school assessment in grades 9 and 10;
42 (d) [~~a~~] the statewide English Language proficiency assessment;
43 (e) the college readiness assessment; and
44 (f) the [~~summative~~] benchmark assessment of a student in grades 1 through 3 to
45 measure [~~reading grade level using the end of year benchmark reading assessment~~]
46 competency.

47

48 **R277-604-3. Private Schools.**

49 (1) Private school students who are Utah residents, as defined under [53G-6-302](#),
50 may participate in [~~U-PASS~~] statewide assessments.

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

54 (3)(a) Private schools that are interested in participating in [~~U-PASS~~] statewide
55 assessments may, at the [~~public school district's~~] LEA's discretion, do so only in the [~~public~~
56 ~~school district~~] LEA in which the private school is located.

57 (b) [~~School districts shall~~] An LEA may determine at which public schools within the
58 [~~district~~] LEA private school students may take [~~achievement tests~~] statewide assessments.

59 (c) A private school may request the following from the [~~school district~~] LEA in which
60 the private school is located:

61 (i) an annual schedule of [~~U-PASS~~] statewide assessment dates;

62 (ii) the locations at which private school[s] students may be tested; and

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

64 (4) ~~[A school district]~~ An LEA shall develop a policy regarding private school student
65 participation in ~~[U-PASS]~~ statewide assessments, which shall include:

66 (a) reasonable costs for the participation of Utah private school students in ~~[U-~~
67 ~~PASS]~~ statewide assessments to be paid in advance by either the student or the student's
68 private school;

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

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

73 (d) reasonable time~~[-]~~lines for private school requests for participation and ~~[school~~
74 ~~district or school]~~ LEA response.

75

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

77 (1) A home school student who is a Utah resident, as defined under Section [53G-6-](#)
78 [302](#), may participate in ~~[U-PASS]~~ statewide assessments as provided in this rule.

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

81 (3) A home school student who desires to participate in ~~[U-PASS]~~ statewide
82 assessments may participate in:

83 (a) the ~~[public school district]~~ LEA in which the home school student's parent or legal
84 guardian resides~~[-or~~

85 ~~—(b) a charter school].~~

86 (4) A home school student or parent may request the following from the ~~[school~~
87 ~~district]~~ LEA in which the home school student or parent resides ~~[or a charter school]:~~

88 (a) an annual schedule of ~~[U-PASS]~~ statewide assessments dates;

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

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

91 (5) ~~[A school district or charter school]~~ An LEA shall develop a policy regarding
92 home school student participation in ~~[U-PASS]~~ statewide assessments, which:

93 (a) may not require a home school student to pay a fee that is not charged to

94 traditional students;

95 (b) shall include notice to home school students or parents of any required parent
96 or adult participation [~~in monitoring or proctoring of tests~~]; and

97 (c) shall include reasonable time lines for home school requests for participation
98 and [~~school district or school~~] LEA response.

99

100 **R277-604-5. Bureau of Indian [~~Affairs (BIA)~~] Education Students.**

101 (1) [~~BIA~~] BIE schools may participate in all [~~U-PASS~~] statewide assessments
102 required for all Utah students.

103 (2) Materials and training shall be provided to [~~BIA~~] BIE schools from the [~~public~~
104 ~~school district~~] LEA in which the school is located on the schedule that applies to Utah
105 school districts.

106

107 **R277-604-6. LEA Responsibilities.**

108 An LEA shall comply with the following when administering [~~U-PASS~~] statewide
109 assessments to a private, home school, or Bureau of Indian Affairs' student:

110 (1) [~~Board~~] Rule [R277-404](#); and

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

113

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

115 **Date of Enactment or Last Substantive Amendment: December 8, 2016**

116 **Notice of Continuation: October 13, 2016**

117 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#);**
118 **[53E-4-302\(1\)\(a\)](#)**