

R277-604 received final approval by the Utah State Board of Education on May 2, 2019. R277-604 is published in the June 15, 2019 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of July 22, 2019.

R277. Education, Administration.

R277-604. Private School, Home School, and Bureau of Indian Affairs (BIA) 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 ~~[53A-1-401]~~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 ~~[53A-1-603]~~53E-4-302, which directs the Board to require school districts and charter schools to administer the U-PASS assessment system to uniformly measure statewide 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 Affairs (BIA) schools to participate in U-PASS;

(b) to maintain the integrity and security of U-PASS;

(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 BIA schools to participate in U-PASS if they so desire; and

(d) to protect the public investment in U-PASS 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 ~~[53A-11-102]~~53G-6-204.

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

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(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) "Utah Performance Assessment System for Students" or "U-PASS" means:

(a) the summative adaptive assessment of a student in grades 3 through ~~[12]~~ 8 in basic skills courses;

(b) the online writing assessment in grades ~~[3 through 11]~~ 5 and 8;

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

(d) a statewide English Language proficiency assessment;

(~~[c]~~e) the college readiness assessment; and

(~~[d]~~f) the summative assessment of a student in grade 3 to measure reading grade level using the end of year benchmark reading assessment.

R277-604-3. Private Schools.

(1) Private school students who are Utah residents, as defined under ~~[53A-2-201]~~ 53G-6-302, may participate in U-PASS.

(2) Private school students who are not Utah residents may participate in U-PASS only by payment in advance of the full cost of individual assessments as determined by local school board policy.

(3)(a) Private schools that are interested in participating in U-PASS may, at the public school district's discretion, do so only in the public school district in which the private school is located.

(b) School districts shall determine at which public schools within the district private school students may take achievement tests.

(c) A private school may request the following from the school district in which the private school is located:

(i) an annual schedule of U-PASS dates;

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

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(iii) written policies for private school student participation.

(4) A school district shall develop a policy regarding private school student participation in U-PASS, which shall include:

(a) reasonable costs for the participation of Utah private school students in U-PASS 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 time lines for private school requests for participation and school district or school response.

R277-604-4. Home School Students.

(1) A home school student who is a Utah resident, as defined under Section ~~[53A-2-204]~~53G-6-302, may participate in U-PASS as provided in this rule.

(2) A home school student may participate in U-PASS only if the student has satisfied the home schooling requirements of Section ~~[53A-11-102]~~53G-6-204.

(3) A home school student who desires to participate in U-PASS may participate in:

(a) the public school district in which the home school student's parent or legal guardian resides; or

(b) a charter school.

(4) A home school student or parent may request the following from the school district in which the home school student or parent resides or a charter school:

(a) an annual schedule of U-PASS dates;

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

(c) written policies for home school student participation.

(5) A school district or charter school shall develop a policy regarding home school student participation in U-PASS, which:

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

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traditional students;

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

(c) shall include reasonable time lines for home school requests for participation and school district or school response.

R277-604-5. Bureau of Indian Affairs (BIA) Students.

(1) BIA schools may participate in all U-PASS requirements for all Utah students.

(2) Materials and training shall be provided to BIA schools from the public school district 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 U-PASS to a private, home school, or Bureau of Indian Affairs' student:

(1) Board Rule R277-404; and

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

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

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

Notice of Continuation: October 13, 2016

**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; ~~[53A-1-401]~~
53E-3-401; ~~[53A-1-603]~~53E-4-302(1)(a)**