

USBE Guiding Document – Administration R277-404

On January 4, 2018, the Utah State Board of Education amended [R277-404](#), which opened a 30-day public comment period on February 1, 2018. One of the amendments reads, “In accordance with Subsection 53G-15-1403(1)(a), an LEA shall reasonably accommodate a parent’s or guardian’s request to allow a student’s demonstration of proficiency on a state required assessment to fulfill a requirement in a course.”

In addition to this change, several other requirements/restrictions related to the use of statewide assessment results are in Board rule or state statute. These include:

[Utah Code 53E-4-303](#): (This law applies only to statewide assessments in grades 3-8, however R277-404-6(a)(i) prohibits the use of a statewide assessment score to determine the student’s academic grade, or a portion of the student’s academic grade in any grade.)

(4) A student’s score on the standards assessment adopted under Subsection (2) may not be considered in determining:

- (a) the student’s academic grade for a course; or
- (b) whether the student may advance to the next grade level.

In addition, Board Rule [R277-404-7](#) states:

(3)(b) An LEA may not penalize a student who is exempted from a state required assessment

(8) An LEA may not reward a student for a student's participation in or performance on a state required assessment (as amended)

[Utah Code 53G-6-803](#) Parental right to academic accommodations includes the following statement:

“A student’s parent or guardian is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or guardian. This statute also grants parents, among other rights, the “right to reasonable academic accommodations from the student’s LEA” and “shall allow a student to earn course credit towards high school graduation without completing a course in school by testing out of the course; or demonstrating competency in course standards.”

It is in consideration of this statute that the USBE passed the amendment to R277-404.

How should teachers respond to the amendment to R277-404?

Teachers should consider how these changes can support the learning objectives for their students. In their considerations, teachers must **not do the following**:

- a. Use a statewide assessment to reward or punish a student (R277-404-7(7)).
- b. Allow a statewide assessment score to have a negative impact on the student’s academic grade (R277-404-7(8)).

- c. Penalize a student for participating in the Parent Exclusion provision (R277-404-7(3)(b).
- d. Independent of the parent or guardian, use the demonstrated proficiency of a student on a statewide assessment to fulfill a requirement in a course (R277-404-6(1)(c).

Teachers should also remember that R277-404 provides the following guidance related to Parental Exclusion from Testing. Schools and teachers **must allow the following**:

- a. A parent the right to exempt their child from a state required assessment (R277-404-7(3)(a).
- b. Accept the [Parental Exclusion form](#) provided by USBE or one created by the LEA (R277-404-7(4)(c).
- c. May contact a parent to verify that the parent submitted the exclusion form (R277-404-7(5)(a).
- d. Cannot require a parent to meet with a school official regarding their associated request (R277-404-7(5)(b).
- e. Shall ensure a student that has been exempted from participating in the statewide assessment is provided an alternative learning experience (R277-404-5(9)
- f. May allow an exempted student to be physically present in the room during test administration (R277-404-5(10).

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The information below provides examples and should **not be considered recommendations or exemplary practice**. Teachers should work with their teams, school administrator, and school community councils to determine how this change can positively improve student learning in their classrooms.

What does the amendment to R277-404 look like in practice?

A teacher could have the following information in their disclosure statement:

Course Requirements

Participation

Quizzes

Homework

Project

Tests

*Students may fulfill the **(enter course requirement)** requirement for this course by demonstrating proficiency on the statewide assessment associated with this course. Proficiency is defined as a score of 3 or higher (if they obtain a 3 or higher they would receive 100% of the value of the **(enter course requirement)** course requirement). If you would like your student to utilize this accommodation, please check this box before signing and returning this course disclosure statement. Please note that if your student receives a score lower than 3 on his/her end of course statewide assessment, the score they earned on the **(enter course requirement)** requirement will be used in determining proficiency for the course.*

I would like my student's results on the statewide assessment associated with this course to be used to meet the **(enter course requirement)** requirement for this course.

Student Name: _____

Period: _____

Parent Name: _____

Parent Signature: _____

Date: _____

Do I have to update my disclosure statement?

The amendment to R277-404 says the LEA shall reasonably accommodate a parent's request to allow demonstrated proficiency on a statewide assessment to fulfill a course requirement and 53G-6-803 states that parents have the right to reasonable academic accommodations. If you don't articulate what the reasonable accommodation is for your course, you will need to determine what would be reasonable on a case by case basis, as requested by parents.