

1 **R277. Education, Administration.**

2 **R277-406. Early Learning Program and Assessments.**

3 **R277-406-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution [Article X, Section 3](#), which vests general control and  
6 supervision over public education in the Board;

7 (b) Subsection [53E-3-401](#)(4), which allows the Board to make rules to execute  
8 the Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Subsection [53F-2-503](#)(14)(a), which directs the Board to develop rules for  
10 implementing the Early Learning Program;

11 (d) Section [53E-3-521](#), which requires the board to define the components of the  
12 early mathematics plan and establish a statewide target using data from the  
13 mathematics benchmark assessment;

14 (e) Section [53E-4-307](#), which requires the Board to approve a benchmark  
15 assessment for statewide use to assess the reading and mathematics competency of  
16 students in grades one, two, and three; and

17 (f) Section [53G-7-203](#), which requires the Board to establish rules regarding the  
18 administration of and reporting regarding the kindergarten assessment.

19 (2) The purpose of this rule is:

20 (a) to outline the responsibilities of the Superintendent and LEAs for  
21 implementation of Section [53F-2-503](#) and the Board's administration of Early Learning  
22 in the state, including to:

23 (i) set expectations for LEA Early Learning Plans;

24 (ii) establish timelines for LEA Early Learning Plans;

25 (iii) provide definitions and designate assessments required in Sections [53E-4-](#)  
26 [307](#) and [53E-4-307.5](#);

27 (iv) provide testing reporting windows, and timelines; and

28 (v) require LEAs to submit student reading and mathematics assessment data to  
29 the Board; and

30 (b) designate the kindergarten assessment and establish timelines and  
31 requirements for administration and reporting kindergarten assessment results and  
32 enrollment.

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34 **R277-406-2. Definitions.**

35 (1) "Benchmark reading assessment" means:

36 (a) for the 2023-24 school year, the Acadience Reading assessment;

37 (b) beginning with the 2024-25 school year, the benchmark reading assessment  
38 that the Board approves, as required in Subsection [53E-4-307](#)(2), through a request for  
39 proposals process; and

40 (c) the assessment described in Subsection (1)(a) or (1)(b) that:

41 (i) is given three times each year;

42 (ii) gives teachers information to:

43 (A) plan appropriate instruction; and

44 (B) evaluate the effects of instruction; and

45 (iii) provides data about student preparation for success on an end of year  
46 criterion referenced test.

47 (2) "Benchmark mathematics assessment" means:

48 (a) for the 2023-24 school year, the Acadience Math assessment;

49 (b) beginning with the 2024-25 school year, the benchmark mathematics  
50 assessment that the Board approves, as described in Subsection [53E-4-307](#).5(2),  
51 through a request for proposals process; and

52 (c) the assessment described in Subsection (2)(a) or (2)(b) that:

53 (i) is given three times each year;

54 (ii) gives teachers information to:

55 (A) plan appropriate instruction; and

56 (B) evaluate the effects of instruction; and

57 (iii) provides data about student preparation for success on an end of year  
58 criterion referenced test.

- 59 (3) "Components of early mathematics" means the key areas of mathematical  
60 learning including:
- 61 (a) conceptual understanding;
  - 62 (b) procedural fluency;
  - 63 (c) strategic and adaptive mathematical thinking; and
  - 64 (d) productive disposition.
- 65 (4) "Conceptual understanding" means the comprehension and connection of  
66 concepts, operations, and relations.
- 67 (5) "Evidence-based" means a strategy that has demonstrated a statistically  
68 significant effect on improving student outcomes.
- 69 (6) "Parental notification requirements" means notice by any reasonable means,  
70 including electronic notice, notice by telephone, written notice, or personal notice.
- 71 (7) "Plan" means the Early Learning plan described in Section [53G-7-218](#).
- 72 (8) "Procedural fluency" means the meaningful, flexible, accurate, and efficient  
73 use of procedures to solve problems.
- 74 (9) "Productive disposition" means the attitude of a student who sees  
75 mathematics as useful and worthwhile while exercising a steady effort to learn  
76 mathematics.
- 77 (10) "Program money" means the same as that term is defined in Section [53F-2-](#)  
78 [503](#).
- 79 (11)(a) "Reading on Grade Level" or "ROGL" for third grade means the  
80 percentage of students that are meeting or exceeding the 750L Lexile cut score on the  
81 end of year reading benchmark assessment.
- 82 (b) ROGL for third grade is equivalent to a 410 composite score on the end of  
83 year reading benchmark assessment.
- 84 (11) "Scoring below or well below benchmark" means that a student:
- 85 (a) performs below or well below the benchmark score on the benchmark  
86 reading or benchmark mathematics assessment; and

87 (b) requires additional instruction beyond that provided to typically-developing  
88 peers to close the gap between the student's current level of achievement and that  
89 expected of all students in that grade.

90 (12) "Remediation interventions" means reading or mathematics instruction or  
91 activities, or both, given to students in addition to their regular instruction, during  
92 another time in the school day, outside regular instructional time, or in the summer,  
93 which is focused on specific needs as identified by reliable and valid assessments.

94 (13) "Strategic and adaptive mathematical thinking" means the ability to  
95 formulate, represent, and solve mathematical problems with the capacity to justify the  
96 logic used to arrive at the solution.

97 (14) "Utah eTranscript and Record Exchange" or "UTREx" means the same as  
98 that term is defined in Section [R277-404-2](#).

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100 **R277-406-3. Benchmark Reading and Mathematics Assessments.**

101 (1) Subject to legislative appropriations, and except as provided in Subsection  
102 (2), an LEA shall administer the benchmark reading and mathematics assessments:

103 (a) annually:

104 (i) in grade 1, grade 2, and grade 3; and

105 (ii) beginning with the 2024-25 school year, in kindergarten; and

106 (b) within the following testing windows:

107 (i) the first benchmark between the first day of school and September 30;

108 (ii) the second benchmark between December 1 and January 31; and

109 (iii) the third benchmark between April 15 and June 15.

110 (2) An LEA shall annually report benchmark reading and mathematics

111 assessment results to the Superintendent by:

112 (a) October 30;

113 (b) February 28; and

114 (c) June 30.

115 (3) If the benchmark reading or mathematics assessment indicates a student is

116 scoring below or well below benchmark:

117 (a) for reading, the LEA shall implement the parental notification requirements  
118 and evidence-based reading remediation interventions described in Section [53E-4-307](#);

119 (b) for mathematics, the LEA shall implement parental notification requirements  
120 similar to those described for reading in Subsection (4)(a) and evidence-based  
121 mathematics remediation interventions.

122 (4) An LEA shall report benchmark reading and mathematics assessment results  
123 annually to parents of students in grade 1, grade 2, and grade 3 by:

124 (a) October 30;

125 (b) February 28; and

126 (c) June 30.

127 (5) Beginning with the 2024-25 school year, an LEA shall report benchmark  
128 reading and mathematics assessment results annually to parents of students in  
129 kindergarten by the deadlines described in Subsection (4).

130 (6) An LEA shall annually submit to UTREx the following information from the  
131 benchmark reading and mathematics assessment:

132 (a) whether or not each student received remediation intervention; and

133 (b) UTREx Special Codes related to the benchmark reading and mathematics  
134 assessment.

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136 **R277-406-4. Early Learning Plans -- LEA and Superintendent Requirements -**  
137 **Timelines.**

138 (1) To receive program money, an LEA shall submit:

139 (a) a plan in accordance with:

140 (i) Subsection [53F-2-503](#)(4); and

141 (ii) Section [53G-7-218](#); and

142 (b) a plan that contains the components of early mathematics; and

143 (b) other required materials within established deadlines.

144 (2)(a) Any time before August 1, an LEA may submit its plan to the  
145 Superintendent for pre-approval; and

146 (b) For each LEA that submits a plan for pre-approval, the Superintendent shall  
147 provide feedback in preparation for the LEA submitting the plan to its local board;

148 (3) An LEA shall submit a final plan to the Superintendent no later than  
149 September 1 by 5 p.m. including:

150 (a) documentation that:

151 (i) the LEA's governing board reviewed and approved the LEA's plan in an open  
152 and public meeting; and

153 (ii) the plan was uploaded to the appropriate system as required by the  
154 Superintendent; and

155 (b) if necessary, a revised plan reflecting changes made to the LEA's plan by the  
156 LEA's governing board.

157 (4) Within three weeks of an LEA submitting a final, local board-approved plan to  
158 the Superintendent, the Superintendent shall notify the LEA if the plan was approved or  
159 if modifications to the plan are required.

160 (5) If the Superintendent does not approve an LEA's plan, the LEA may, by  
161 October 15:

162 (a) incorporate needed changes or provisions;

163 (b) obtain approval for the amended plan from the LEA's governing board; and

164 (c) resubmit the amended plan in accordance with Subsection (3)(a) of this part.

165 (6) If an LEA timely resubmits a plan that includes the required modifications, the  
166 Superintendent shall approve the plan by November 1.

167 (7) If an LEA fails to timely resubmit an acceptable plan by October 15, the LEA  
168 is not eligible for funding in the current school year.

169 (8) When reviewing an LEA plan for approval, the Superintendent shall evaluate:

170 (a) the extent to which the LEA's goals within the plan are ambitious, yet  
171 attainable; and

172 (b) whether the plan uses evidence-based curriculum, materials, and practices,  
173 which will support the LEA in meeting its growth goals.

174 (9) An LEA's goals, as outlined in the LEA's plan, shall be reported to the  
175 Superintendent using a digital reporting platform.

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**R277-406-5. Accountability and Reporting on Early Learning Plans.**

(1) An LEA shall annually report progress toward the goals outlined in the LEA's plan to the Superintendent by June 30.

(2) In accordance with Sections [53F-2-503](#) and [53G-7-218](#), a growth goal in an LEA's plan:

(a) is calculated using the percentage of students in an LEA's grades 1 through 3 who made typical, above typical, or well-above typical progress from the beginning of the year to the end of the year, as measured by the benchmark reading and mathematics assessment;

(b) sets the literacy target percentage of students in grades 1 through 3 making typical or better progress at a minimum of ~~[60%]~~ 65% beginning in the 2024-2025 school year; and

(c) sets the mathematics target percentage of students in grades 1 through 3 making typical or better progress at a minimum of 60% ~~[beginning in the 2021-2022 school year]~~.

(3) The Superintendent shall use the information provided by an LEA described in Section R277-406-4 to determine the progress of each student in grades 1 through 3 within the following categories:

- (i) well-above typical;
- (ii) above typical;
- (iii) typical;
- (iv) below typical; or
- (v) well below typical.

(4) The Superintendent shall report the percentage of students reading on grade level in Grade 3 annually.

(5)(a) The Superintendent shall notify an LEA by September 1 annually if the LEA is not using ~~[evidence informed core curriculum or evidence based]~~ [science of reading core](#) or [intervention curriculum](#) as required in Section [53G-10-306](#).

205 (b) An LEA notified under Subsection (5)(a) shall submit to the Superintendent a  
206 new curriculum proposal by September 30 annually, including:  
207 (i) the individuals responsible for curriculum change;  
208 (ii) a narrative plan and steps toward adopting a new curriculum;  
209 (iii) how the proposed curriculum meets the requirements of Section [53G-10-306](#);  
210 (iv) professional learning for educators in the new curriculum; and  
211 (v) a timeline for implementation of the new curriculum.  
212 (c) If the curriculum chosen by an LEA is not on the state's pre-approved list, the  
213 LEA shall complete the Science of Reading checklist and attach the checklist to the  
214 LEA's proposal.

215 (4) If an LEA does not make sufficient progress toward its plan goals for two  
216 consecutive years, as defined in Subsection (5), the Superintendent shall assign the  
217 LEA to the Early Learning System of Support and require the LEA to participate in  
218 interventions to improve early literacy, early mathematics, or both.

219 (5) Accept as provided for in Subsection (6), consistent with Section [53G-7-218](#),  
220 sufficient progress toward plan goals means the LEA meets:

- 221 (a) the state's growth goals for literacy and math; and
- 222 (b) at least one of the LEA-designated goals addressing performance gaps.

223 (6) The Superintendent shall establish the strategies, interventions, and  
224 techniques for schools that are part of the Early Learning System of Support to assist  
225 schools to achieve early learning goals.

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227 **R277-406-6. Kindergarten Enrollment Reporting.**

228 (1) An LEA shall submit student membership information daily to the  
229 Superintendent using the appropriate kindergarten code through UTREx.

230 (2) The Superintendent shall review October 1 and June 15 kindergarten  
231 membership information annually to inform LEA funding allocations.

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233 **KEY: reading, improvement, goals**

234 **Date of Last Change: November 7, 2023**



235 **Notice of Continuation: January 13, 2022**

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

237 **[3-521](#); [53E-4-307](#); [53E-4-307.5](#); [53F-2-503\(14\)\(a\)](#); [53G-7-203](#)**