

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.

33

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](#).

99

100 **R277-406-3. Incorporation by Reference of Science of Reading Resources.**

101 (1) This rule incorporates by reference:

102 (a) The Science of Reading Evidence Informed Core Criteria Checklist; and

103 (b) the Evidence Criteria for Evidence-based Curriculum.

104 (2) A copy of these documents is located at:

105 (a) <https://www.schools.utah.gov/administrativerules/documentsincorporated>; or

106 (b) the offices of the Utah State Board of Education.

107

108 **R277-406-~~3~~4. Benchmark Reading and Mathematics Assessments.**

109 (1) Subject to legislative appropriations, and except as provided in Subsection

110 (2), an LEA shall administer the benchmark reading and mathematics assessments:

111 (a) annually:

- 112 (i) in grade 1, grade 2, and grade 3; and
113 (ii) beginning with the 2024-25 school year, in kindergarten; and
114 (b) within the following testing windows:
115 (i) the first benchmark between the first day of school and September 30;
116 (ii) the second benchmark between December 1 and January 31; and
117 (iii) the third benchmark between April 15 and June 15.
118 (2) An LEA shall annually report benchmark reading and mathematics
119 assessment results to the Superintendent by:
120 (a) October 30;
121 (b) February 28; and
122 (c) June 30.
123 (3) If the benchmark reading or mathematics assessment indicates a student is
124 scoring below or well below benchmark:
125 (a) for reading, the LEA shall implement the parental notification requirements
126 and evidence-based reading remediation interventions described in Section [53E-4-307](#);
127 (b) for mathematics, the LEA shall implement parental notification requirements
128 similar to those described for reading in Subsection (4)(a) and evidence-based
129 mathematics remediation interventions.
130 (4) An LEA shall report benchmark reading and mathematics assessment results
131 annually to parents of students in grade 1, grade 2, and grade 3 by:
132 (a) October 30;
133 (b) February 28; and
134 (c) June 30.
135 (5) Beginning with the 2024-25 school year, an LEA shall report benchmark
136 reading and mathematics assessment results annually to parents of students in
137 kindergarten by the deadlines described in Subsection (4).
138 (6) An LEA shall annually submit to UTREx the following information from the
139 benchmark reading and mathematics assessment:

- 140 (a) whether or not each student received remediation intervention; and
141 (b) UTREx Special Codes related to the benchmark reading and mathematics
142 assessment.

143

144 **R277-406-[4]5. Early Learning Plans -- LEA and Superintendent Requirements -**
145 **Timelines.**

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

147 (a) a plan in accordance with:

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

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

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

151 (b) other required materials within established deadlines.

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

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

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

158 (a) documentation that:

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

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

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

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

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

170 (a) incorporate needed changes or provisions;

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

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

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

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

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

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

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

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

184

185 **R277-406-[5]6. Accountability and Reporting on Early Learning Plans.**

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

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

190 (a) is calculated using the percentage of students in an LEA's grades 1 through
191 3 who made typical, above typical, or well-above typical progress from the beginning of
192 the year to the end of the year, as measured by the benchmark reading and
193 mathematics assessment;

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

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

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

203 (i) well-above typical;

204 (ii) above typical;

205 (iii) typical;

206 (iv) below typical; or

207 (v) well below typical.

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

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

213 (b) An LEA notified under Subsection (5)(a) shall submit to the Superintendent a
214 new curriculum proposal by September 30 annually, including:

215 (i) the individuals responsible for curriculum change that meets the requirements
216 of;

217 (A) Section 53G-10-306;

218 (B) the Science of Reading Evidence Informed Core Criteria Checklist; and

219 (C) the Evaluation Criteria for Evidence-based Curriculum; and

220 ~~[(ii) a narrative plan and steps toward adopting a new curriculum;~~

221 ~~[(iii) how the proposed curriculum meets the requirements of Section 53G-10-306;~~

222 ~~_____ (iv) professional learning for educators in the new curriculum; and]~~
223 ~~_____ (v)ii) a timeline for implementation of the new curriculum; and~~
224 ~~_____ (iii) information on what support the LEA needs from the Superintendent to adopt~~
225 ~~new curriculum.~~

226 _____ (c) If the curriculum chosen by an LEA is not on the state’s pre-approved list, the
227 LEA shall complete ~~[the Science of Reading Evidence Informed Core Criteria checklist~~
228 ~~and attach the checklist to the LEA’s proposal.]~~and include with its proposal:

229 _____ (i) the Science of Reading Evidence Informed Core Criteria Checklist; and
230 _____ (ii) the Evaluation Criteria for Evidence-based Curriculum.

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

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

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

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

242

243 **R277-406-[6]7. Kindergarten Enrollment Reporting.**

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

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

248

249 **KEY: reading, improvement, goals**

Draft 2 - Blue Text – Additions | ~~Red Text~~ – Deletions
Draft 3 - Green Text – Additions | ~~Purple Text~~ – Deletions
Draft 4 - Brown Text – Additions | ~~Orange Text~~ – Deletions

Draft 4
January 17, 2024

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

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

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

253 **3-521; 53E-4-307; 53E-4-307.5; 53F-2-503(14)(a); 53G-7-203**