

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

14 ~~[(e)d] 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)e] Section [53G-7-203](#), which requires the Board to establish rules regarding
18 the 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](#)]~~ [53E-3-521](#) and the Board's administration of
22 Early Learning 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)(a) "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:]~~ The
41 "benchmark reading assessment:"

42 (i) is given three times each year;

43 (ii) gives teachers information to:

44 (A) plan appropriate instruction; and

45 (B) evaluate the effects of instruction; and

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

48 (2)(a) "Benchmark mathematics assessment" means[=

49 ~~—(a) for the 2023-24 school year,]~~ the Acadience Math assessment;

50 (b) ~~[beginning with the 2024-25 school year, the benchmark mathematics~~
51 ~~assessment that the Board approves, as described in Subsection 53E-4-307.5(2),~~
52 ~~through a request for proposals process; and~~

53 ~~—(c) the assessment described in Subsection (2)(a) or (2)(b) that:]~~ The
54 "benchmark mathematics assessment:"

55 (i) is given three times each year;

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

84 (10) “Reading on Grade Level” or “ROGL” ~~[for third grade is equivalent to a 410~~
85 ~~composite score on the end of year benchmark reading assessment.]~~ means a third
86 grade student is scoring above benchmark and meets or exceeds 405 on the end of
87 year benchmark reading assessment to achieve the strenuous statewide goal of 70%
88 third grade-level proficiency as required by Section 53E-3-1001.

89 (11) “Scoring above benchmark” means that a student will likely need effective
90 core instruction to meet subsequent learning goals and may benefit from instruction on
91 more advanced skills.

92 ([14]12) "Scoring below or well below benchmark" means that a student:

93 (a) performs below or well below the benchmark score on the benchmark
94 reading or benchmark mathematics assessment; and

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

98 ([12]13) "Remediation interventions" means reading or mathematics instruction
99 or activities, or both, given to students in addition to their regular instruction, during
100 another time in the school day, outside regular instructional time, or in the summer,
101 which is focused on specific needs as identified by reliable and valid assessments.

102 ([13]14) "Strategic and adaptive mathematical thinking" means the ability to
103 formulate, represent, and solve mathematical problems with the capacity to justify the
104 logic used to arrive at the solution.

105 ([14]15) "Utah eTranscript and Record Exchange" or "UTREx" means the same
106 as that term is defined in Section [R277-404-2](#).

107

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

109 (1) This rule incorporates by reference:

110 (a) the Science of Reading Evidence Informed Core Criteria Checklist; and

111 (b) the Evidence Criteria for Evidence-Based Curriculum.

- 112 _____ (2) A copy of these documents is located at:
113 _____ (a) <https://www.schools.utah.gov/administrativerules/documentsincorporated>;
114 and
115 _____ (b) the offices of the Utah State Board of Education.

116

117 **R277-406-~~[3]~~4. Benchmark Reading and Mathematics Assessments.**

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

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

120 (a) annually:

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

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

123 (b) within the following testing windows:

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

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

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

127 (2) An LEA shall annually report benchmark reading and mathematics
128 assessment results to the Superintendent by:

129 (a) October 30;

130 (b) February 28; and

131 (c) June 30.

132 (3) If the benchmark reading or mathematics assessment indicates a student is
133 scoring below or well below benchmark:

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

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

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

141 (a) October 30;

142 (b) February 28; and

143 (c) June 30.

144 (5) ~~[Beginning with the 2024-25 school year, an]~~ An LEA shall report benchmark
145 reading and mathematics assessment results annually to parents of students in
146 kindergarten by the deadlines described in Subsection (4).

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

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

150 (b) UTREx Special Codes related to the benchmark reading and mathematics
151 assessment.

152

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

155 (1) ~~[To receive program money, an]~~ An LEA shall submit[;:

156 ~~—(a)]~~ a plan in accordance with[;

157 ~~—(i) Subsection 53F-2-503(4); and~~

158 ~~—(ii)]~~ Section 53G-7-218[; and

159 ~~—(b) a plan]~~ that contains:

160 (a) the components of early mathematics as defined in Section 53E-3-521;

161 (b) an assurance that:

162 (i) the LEA has adopted Science of Reading curriculum and intervention

163 programs; and

164 (ii) the LEA's reading strategies meet the criteria outlined in Section 53G-11-303;

165 (c) the reading curriculum currently adopted by the LEA; and

166 ~~([b]d)~~ other required materials within established deadlines.

- 167 (2)(a) Any time before August 1, an LEA may submit its plan to the
168 Superintendent for pre-approval; and
- 169 (b) For each LEA that submits a plan for pre-approval, the Superintendent shall
170 provide feedback in preparation for the LEA submitting the plan to its local board;
- 171 (3) An LEA shall submit a final plan to the Superintendent no later than
172 September 1 by 5 p.m. including:
- 173 (a) ~~[documentation]~~ an assurance that[
174 ~~(i)]~~ the LEA's governing board reviewed and approved the LEA's plan in an open
175 and public meeting; and
176 ~~[(ii) the plan was uploaded to the appropriate system as required by the~~
177 ~~Superintendent; and]~~
- 178 (b) if necessary, a revised plan reflecting changes made to the LEA's plan by the
179 LEA's governing board.
- 180 (4) Within three weeks of an LEA submitting a final, local board-approved plan to
181 the Superintendent, the Superintendent shall notify the LEA if the plan was approved or
182 if modifications to the plan are required.
- 183 (5) If the Superintendent does not approve an LEA's plan, the LEA may, by
184 October 15:
- 185 (a) incorporate needed changes or provisions;
186 (b) obtain approval for the amended plan from the LEA's governing board; and
187 (c) resubmit the amended plan in accordance with Subsection (3)(a) of this part.
- 188 (6) If an LEA timely resubmits a plan that includes the required modifications, the
189 Superintendent shall approve the plan by November 1.
- 190 ~~[(7) If an LEA fails to timely resubmit an acceptable plan by October 15, the LEA~~
191 ~~is not eligible for funding in the current school year.]~~
- 192 ~~[(8)]~~7) When reviewing an LEA plan for approval, the Superintendent shall
193 evaluate[

194 ~~——(a)~~ the extent to which the LEA's goals within the plan are ambitious, yet
195 attainable~~[-; and~~

196 ~~——(b) whether the plan uses evidence-based curriculum, materials, and practices,~~
197 ~~which will support the LEA in meeting its growth goals].~~

198 ([9]8) An LEA's goals, as outlined in the LEA's plan, shall be reported to the
199 Superintendent using a digital reporting platform.

200

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

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

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

206 (a) is calculated using the percentage of students in an LEA's grades 1 through
207 3 who made typical, above typical, or well-above typical progress from the beginning of
208 the year to the end of the year, as measured by the benchmark ~~[reading and]~~
209 mathematics assessment; and

210 ~~[(b) sets the literacy target percentage of students in grades 1 through 3 making~~
211 ~~typical or better progress at a minimum of 60%; and]~~

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

215 (3) The Superintendent shall use the information provided by an LEA described
216 in Section R277-406-[4]5 to determine the progress of each student in grades 1 through
217 3 within the following categories:

218 (i) well-above typical;

219 (ii) above typical;

220 (iii) typical;

221 (iv) below typical; or

222 (v) well below typical.

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

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

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

230 ~~_____ (i) the individuals responsible for curriculum change that meets the requirements~~
231 ~~of;~~

232 ~~_____ (A) Section 53G-10-306;~~

233 ~~_____ (B) the Science of Reading Evidence Informed Core Criteria Checklist; and~~

234 ~~_____ (C) the Evaluation Criteria for Evidence-based Curriculum; and~~

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

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

237 ~~_____ (iv) professional learning for educators in the new curriculum; and]~~

238 ~~_____ [(v) a timeline for implementation of the new curriculum; and~~

239 ~~_____ (iii) information on what support the LEA needs from the Superintendent to adopt~~
240 ~~new curriculum.~~

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

244 ~~_____ (i) the Science of Reading Evidence Informed Core Criteria Checklist; and~~

245 ~~_____ (ii) the Evaluation Criteria for Evidence-based Curriculum.]~~

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

250 ([5]6) ~~[Accept]~~ Except as provided ~~[for]~~ in Subsection ([6]7), consistent with
251 Section 53G-7-218, sufficient progress toward plan goals means the LEA meets:

252 (a) the state's growth goals for ~~[literacy and]~~ math; and

253 (b) at least one of the LEA-designated goals addressing performance gaps.

254 ([6]7) The Superintendent shall establish the strategies, interventions, and
255 techniques for schools that are part of the Early Learning System of Support to assist
256 schools to achieve early learning goals.

257

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

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

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

263

264 **KEY: reading, improvement, goals**

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

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

267 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-
268 3-521; 53E-4-307; 53E-4-307.5; ~~[53F-2-503(14)(a)]~~; 53G-7-203**