

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 (11) "Reading on Grade Level" or "ROGL" for third grade is equivalent to a 410
83 composite score on the end of year reading benchmark assessment.

84 ([14]12) "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]13) "Remediation interventions" means reading or mathematics instruction
91 or 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]14) "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]15) "Utah eTranscript and Record Exchange" or "UTREx" means the same
98 as 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 (c) an assurance that:

152 (i) the LEA has adopted Science of Reading and intervention programs; and

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

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

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

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

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

161 (a) documentation that:

- 162 (i) the LEA's governing board reviewed and approved the LEA's plan in an open
163 and public meeting; and
- 164 (ii) the plan was uploaded to the appropriate system as required by the
165 Superintendent; and
- 166 (b) if necessary, a revised plan reflecting changes made to the LEA's plan by the
167 LEA's governing board.
- 168 (4) Within three weeks of an LEA submitting a final, local board-approved plan to
169 the Superintendent, the Superintendent shall notify the LEA if the plan was approved or
170 if modifications to the plan are required.
- 171 (5) If the Superintendent does not approve an LEA's plan, the LEA may, by
172 October 15:
- 173 (a) incorporate needed changes or provisions;
- 174 (b) obtain approval for the amended plan from the LEA's governing board; and
- 175 (c) resubmit the amended plan in accordance with Subsection (3)(a) of this part.
- 176 (6) If an LEA timely resubmits a plan that includes the required modifications, the
177 Superintendent shall approve the plan by November 1.
- 178 (7) If an LEA fails to timely resubmit an acceptable plan by October 15, the LEA
179 is not eligible for funding in the current school year.
- 180 (8) When reviewing an LEA plan for approval, the Superintendent shall
181 evaluate[:
- 182 ~~—(a)] the extent to which the LEA's goals within the plan are ambitious, yet~~
183 attainable; and
- 184 ~~[(b) whether the plan uses evidence-based curriculum, materials, and practices,~~
185 ~~which will support the LEA in meeting its growth goals.]~~
- 186 (9) An LEA's goals, as outlined in the LEA's plan, shall be reported to the
187 Superintendent using a digital reporting platform.
- 188

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

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

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

194 (a) is calculated using the percentage of students in an LEA's grades 1 through
195 3 who made typical, above typical, or well-above typical progress from the beginning of
196 the year to the end of the year, as measured by the benchmark reading and
197 mathematics assessment;

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

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

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

207 (i) well-above typical;

208 (ii) above typical;

209 (iii) typical;

210 (iv) below typical; or

211 (v) well below typical.

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

214 ~~[(4)5]~~ If an LEA does not make sufficient progress toward its plan goals for two
215 consecutive years, as defined in Subsection ~~[(5)6]~~, the Superintendent shall assign the

216 LEA to the Early Learning System of Support and require the LEA to participate in
217 interventions to improve early literacy, early mathematics, or both.

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

220 (a) the state's growth goals for literacy and math; and

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

222 ([6]7) The Superintendent shall establish the strategies, interventions, and
223 techniques for schools that are part of the Early Learning System of Support to assist
224 schools to achieve early learning goals.

225

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

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

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

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232 **KEY: reading, improvement, goals**

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

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

235 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53E-](#)
236 [3-521](#); [53E-4-307](#); [53E-4-307.5](#); [53F-2-503\(14\)\(a\)](#); [53G-7-203](#)**