

1 **R277. Education, Administration.**

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

3 **R277-406-1. Authority^[,] and Purpose^[,] ~~and Oversight Category~~^[.].**

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

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

15 ~~[(e)](d) Section 53G-7-203, which requires the Board to establish rules regarding
16 the administration of and reporting regarding the kindergarten assessment.~~

17 (2) The purpose of this rule is to:

18 ~~[(a) to outline the responsibilities of the Superintendent and LEAs for
19 implementation of Section 53E-3-521 and the Board's administration of Early Learning
20 in the state, including to:~~

21 ~~—— (i) set expectations for LEA Early Learning Plans;~~

22 ~~—— (ii) establish timelines for LEA Early Learning Plans;]~~

23 ~~[(iii)](a) provide definitions and designate assessments required in Sections 53E-
24 4-307 and 53E-4-307.5;~~

25 ~~[(iv)](b) provide testing reporting windows, and timelines; and~~

26 ~~[(v)](c) require LEAs to submit student reading and mathematics assessment
27 data to the Board; and~~

28 ~~(b)~~(d) designate the kindergarten assessment and establish timelines and
29 requirements for administration and reporting kindergarten assessment results and
30 enrollment.

31 ~~[(3) This Rule R277-406 is categorized as Category 3 as described in Rule~~
32 ~~R277-111.]~~

33

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

35 (1)(a) "Benchmark reading assessment" means the Acadience Reading
36 assessment.

37 (b) The "benchmark reading assessment:"

38 (i) is given three times each year;

39 (ii) gives teachers information to:

40 (A) plan appropriate instruction; and

41 (B) evaluate the effects of instruction; and

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

44 (2)(a) "Benchmark mathematics assessment" means ~~[the Acadience Math~~
45 ~~assessment]~~ a standardized assessment as defined in 53E-4-307.5 that measures early
46 math skills and predicts academic achievement based on computation and problem-
47 solving for kindergarten through grade 3;

48 (b) The benchmark mathematics assessment:

49 (i) is given three times each year;

50 (ii) gives teachers information to:

51 (A) plan appropriate instruction; and

52 (B) evaluate the effects of instruction; and

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

55 ~~[(3) "Components of early mathematics" means the key areas of mathematical~~
56 ~~learning including:~~

57 ———(a) ~~conceptual understanding;~~

58 ———(b) ~~procedural fluency;~~

59 ———(c) ~~strategic and adaptive mathematical thinking; and~~

60 ———(d) ~~productive disposition.~~

61 ———(4) ~~"Conceptual understanding" means the comprehension and connection of~~
62 ~~concepts, operations, and relations.]~~

63 [(5)](3) "Evidence-based" means a strategy that has demonstrated a statistically
64 significant effect on improving student outcomes.

65 [(6)](4) "Parental notification requirements" means notice by any reasonable
66 means, including electronic notice, notice by telephone, written notice, or personal
67 notice.

68 [(7) "Plan" means the Early Learning plan described in Section 53G-7-218.

69 ———(8) ~~"Procedural fluency" means the meaningful, flexible, accurate, and efficient~~
70 ~~use of procedures to solve problems.~~

71 ———(9) ~~"Productive disposition" means the attitude of a student who sees~~
72 ~~mathematics as useful and worthwhile while exercising a steady effort to learn~~
73 ~~mathematics.]~~

74 [(10)](5) "Reading on Grade Level" or "ROGL" means a third grade student is
75 scoring at or above benchmark and meets or exceeds [405](330) on the end of year
76 benchmark reading assessment to achieve the strenuous statewide goal of [70%](80%)
77 third grade-level proficiency as required by Section 53E-3-1001.

78 [(11)](6) "Scoring above benchmark" means that a student will likely need
79 effective core instruction to meet subsequent learning goals and may benefit from
80 instruction on more advanced skills.

81 (7) "Scoring at benchmark" means a student will likely need effective core
82 instruction to meet subsequent early literacy/reading benchmarks. Some students may
83 require monitoring and strategic support on specific component skills as needed.

84 [(12)](8) "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 [(43)](9) "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 [(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 [(45)](10) "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 the Science of Reading Elementary
102 English Language Arts Curriculum Checklist, as of June 2025; and

103 (2) A copy of this document is located at:

104 (a) [<https://www.schools.utah.gov/administrativerules/documentsincorporated>]the
105 Utah State Board of Education website; and

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

107

108 **R277-406-4. 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 kindergarten, 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 kindergarten, grade 1, grade 2, and grade 3 by:
- 132 (a) October 30;
- 133 (b) February 28; and
- 134 (c) June 30.
- 135 ~~[(5) An LEA shall report benchmark reading and mathematics assessment~~
- 136 ~~results annually to parents of students in kindergarten by the deadlines described in~~
- 137 ~~Subsection (4).]~~
- 138 ~~[(6)](5) An LEA shall annually submit to UTREx the following information from~~
- 139 the 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 (6) In the absence of sufficient legislative appropriations, an LEA shall assume
144 financial responsibility for the administration of the benchmark mathematics
145 assessments.

146

147 **R277-406-5. Early ~~Learning Plans~~Literacy Reporting -- LEA and Superintendent**
148 **Requirements - Timelines.**

149 (1) An LEA shall submit ~~[a plan in accordance with Section 53G-7-218 that~~
150 ~~contains:~~

151 ~~—— (a) the components of early mathematics as defined in Section 53E-3-521;]~~

152 ~~[(b)](a)~~ an assurance that:

153 (i) the LEA has adopted high quality instructional materials and intervention
154 programs aligned with the effective research regarding the science of reading as
155 outlined in 53G-10-806; and

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

157 ~~[(e)](b)~~ the reading curriculum currently adopted by the LEA; and

158 ~~[(d)](c)~~ other required materials within established deadlines.

159 (2) An LEA shall submit its ~~[plan]~~report to the Superintendent before

160 ~~[August]~~September 1 for approval.

161 ~~[(3)(a) An LEA shall present the plan in an open and public meeting of the LEA's~~
162 ~~governing board.~~

163 ~~—— (b) The LEA shall also report on the outcomes of the previous year's plan during~~
164 ~~the same meeting or a subsequent open and public meeting.~~

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

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

170 ~~—— (a) incorporate needed changes or provisions; and~~

171 ~~—— (b) resubmit the amended plan in accordance with Subsection (2)(a) of this part.~~

172 ~~_____ (6) If an LEA timely resubmits a plan that includes the required modifications, the~~
173 ~~Superintendent shall approve the plan by October 1.~~

174 ~~_____ (7) When reviewing an LEA plan for approval, the Superintendent shall evaluate~~
175 ~~the extent to which the LEA's goals within the plan are ambitious, yet attainable.]~~

176

177 **R277-406-6. Accountability and Reporting~~[on Early Learning Plans]~~.**

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

180 ~~_____ (2) In accordance with Section 53G-7-218, a growth goal in an LEA's plan:~~

181 ~~_____ (a) is calculated using the percentage of students in an LEA's grades 1 through~~
182 ~~3 who made typical, above typical, or well-above typical progress from the beginning of~~
183 ~~the year to the end of the year, as measured by the benchmark mathematics~~
184 ~~assessment; and~~

185 ~~_____ (b) sets the mathematics target percentage of students in grades 1 through 3~~
186 ~~making typical or better progress at a minimum of 60%.]~~

187 ~~[(3)](1)~~ The Superintendent shall use the information provided by an LEA
188 described in Section R277-406-~~[5]~~4 to determine the progress of each student in
189 ~~[grades 1]~~kindergarten through Grade 3 within the following categories:

190 (i) well-above typical;

191 (ii) above typical;

192 (iii) typical;

193 (iv) below typical; or

194 (v) well below typical.

195 ~~[(4)](2)~~ The Superintendent shall report the percentage of students reading on
196 grade level in Grade 3 annually.

197 ~~[(5) If an LEA does not make sufficient progress toward its goals as defined in~~
198 ~~Subsection (6), the Superintendent shall assign the LEA to the Early Learning System~~
199 ~~of Support to participate in interventions to improve early mathematics.~~

200 ~~—— (6) Except as provided in Subsection (7), consistent with Section 53G-7-218,~~
201 ~~sufficient progress toward plan goals means the LEA meets:~~
202 ~~—— (a) the state's growth goals for math; and~~
203 ~~—— (b) at least one of the LEA-designated goals addressing performance gaps.~~
204 ~~—— (7) In accordance with Subsection 53-G-7-218(3) the Superintendent shall~~
205 ~~implement strategies to provide support to LEA's assigned to the Early Learning System~~
206 ~~of Support, designed to assist the LEA in meeting the early learning plan goals as~~
207 ~~outlined in Section 53-G-7-218.]~~

208

209 **R277-406-7. Kindergarten Enrollment Reporting.**

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

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

214

215 **KEY: reading, improvement, goals**

216 **Date of Last Change: August 7, 2025**

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

218 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-**
219 **3-521; 53E-4-307; 53E-4-307.5; 53G-7-203**

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