

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: May 12-13, 2016

ACTION: R277-403 *Student Reading Proficiency and Notice to Parents* (Amendment)

Background:

The 2016 Legislature passed H.B. 40 *Agency Reporting Requirements*, which deleted several reporting requirements for the Board. R277-403 is amended to update the rule consistent with the new legislation and to provide technical and conforming changes. The report referenced in R277-403 is no longer required. Additionally, the rule is updated to include specific names of assessments, which the Board has designated, as required in statute. This adds further clarity and avoids the practice of simply repeating language in rule that is in statute, or requiring the Board to direct itself in its own rule to take action on an item.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan:
Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:

It is proposed that the Standards and Assessment Committee consider approving R277-403, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-403, as amended on second reading.

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1 **R277. Education, Administration.**

2 **R277-403. Student Reading Proficiency and Notice to Parents.**

3 **R277-403-~~[2]~~1. Authority and Purpose.**

4 ~~[A.](1)~~ This rule is authorized ~~[under]~~by:

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

7 ~~(b)~~ Section 53A-1-401, which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law; and

9 ~~(c)~~ Section 53A-17a-150~~[(14)]~~, which directs the Board to make rules to
10 implement the Program and to require progress reports from each LEA documenting
11 the LEA's satisfaction with its reading goals~~[(s), and by Section 53A-1-401(3) which~~
12 ~~allows the Board to make rules in accordance with its responsibilities]~~.

13 ~~[B.](2)~~ The purpose of this rule is:

14 ~~(a)~~ to designate assessments required in Section 53A-1-606.6;

15 ~~(b)~~ to provide definitions of terms used in Section 53A-1-606.6~~[,]~~;

16 ~~(c)~~ to provide necessary testing and reporting windows and timelines~~[,]~~; and

17 ~~(d)~~ to require submission by LEA~~[S]~~ of student reading assessment data to
18 the ~~[USOE]~~Board.

19 **R277-403-~~[4]~~2. Definitions.**

20 ~~[A. "Board" means the Utah State Board of Education.]~~

21 ~~(1)~~ "Benchmark reading assessment" means the Dynamic Indicators of Basic
22 Early Literacy Skills or DIBELS assessment.

23 ~~[B.](2)~~ "Competency" means a demonstrable acquisition of a specified
24 knowledge, skill, or ability that has been organized into a hierarchical arrangement,
25 leading to higher levels of knowledge, skill, or ability.

26 ~~[C. "Lacks proficiency" [for purposes of this rule] means that a student~~
27 ~~requires additional instruction beyond that provided to typically developing peers in~~
28 ~~order to close the gap between the student's current level of reading achievement~~
29 ~~and that expected of all students in that grade, as determined by valid and reliable~~
30 ~~assessments[as] designated by the Board.~~

31 ~~D. "LEA" means a local education agency, including local school~~

32 ~~boards/public school districts and charter schools.]~~

33 ~~[E.](3) “Midpoint of the school year” means January 31 of the school year.~~

34 ~~[F.](4) “Notification to parents” [for purposes of this rule] means notice by any~~
35 ~~reasonable means, including electronic notice, notice by telephone, written notice,~~
36 ~~or personal notice.~~

37 ~~[G.](5) “Reading below grade level” [for purposes of this rule] means that a~~
38 ~~student:~~

39 ~~(a) performs below the benchmark score on the benchmark reading~~
40 ~~assessment; and~~

41 ~~(b) requires additional instruction beyond that provided to typically[-]-~~
42 ~~developing peers in order to close the gap between the student’s current level of~~
43 ~~reading achievement and that expected of all students in that grade[as determined~~
44 ~~by valid and reliable assessments as designated by the Board].~~

45 ~~[H.](6) “Reading remediation interventions” means reading instruction or~~
46 ~~reading activities, or both, [in reading] given to students in addition to their regular~~
47 ~~reading instruction, during another time in the school day, outside regular~~
48 ~~instructional time, or in the summer, which is focused on specific needs as identified~~
49 ~~by reliable and valid assessments.~~

50 ~~[I. “USOE” means the Utah State Office of Education.]~~

51 ~~[J. “Utah Consolidated Application (UCA)” means the web-based grants~~
52 ~~management tool employed by the Utah State Office of Education by which local~~
53 ~~education agencies submit plans and budgets for approval of the Utah State Office~~
54 ~~of Education.]~~

55 **R277-403-~~[4]~~3. ~~[Board/USOE]Superintendent Responsibilities.~~**

56 ~~[A.](1) The ~~[Board]~~Superintendent shall ~~[designate one]~~coordinate and~~
57 ~~provide for the administration of the benchmark reading assessment for use~~
58 ~~statewide by all LEAs to assess the reading competency of students in grades one,~~
59 ~~two, and three for the beginning, midpoint, and end of year[assessments].~~

60 ~~[B.](2) The ~~[USOE]~~Superintendent shall provide guidance to LEAs about valid~~
61 ~~and reliable assessments to be used for the midpoint supplemental assessments to~~
62 ~~assist in evaluating the reading grade level of students.~~

63 ~~[G.](3)~~ The ~~[USOE]~~Superintendent shall provide procedures for LEAs to
64 determine expected reading levels of first, second, and third grade students.

65 ~~[D. The Board shall contract with an educational technology provider, selected~~
66 ~~through a request for proposals process, for a diagnostic assessment system for~~
67 ~~reading for students in kindergarten through grade three that meets the requirements~~
68 ~~of 53A-1-606.7.]~~

69 ~~[E.](4)~~ To the extent ~~[of]that~~ funds are available, the ~~[USOE]~~Superintendent
70 shall ~~[select interested LEAs to use]~~distribute the diagnostic reading assessment ~~[for~~
71 ~~reading]~~to LEAs.

72 ~~[F. The USOE shall provide timelines to LEAs for notification to the USOE of:~~

73 ~~—— (1) LEA selected assessments;~~

74 ~~—— (2) student reading data required by law;~~

75 ~~—— (3) assurance of compliance with all legislative and Board requirements as~~
76 ~~requested.~~

77 ~~—— G. LEAs that select the assessment technology shall use the assessment~~
78 ~~consistent with Board directives.]~~

79 ~~[H.](5)~~ The ~~[Board]~~Superintendent shall evaluate the diagnostic assessment
80 system for reading by comparing the learning gains for students in LEAs that do not
81 use the diagnostic assessment system for reading with LEAs that used the
82 diagnostic reading assessment.

83 ~~[I. The Board shall report to the Education Interim Committee consistent with~~
84 ~~timelines and information required under Section 53A-17a-150(13).]~~

85 ~~[J. The Board shall make an annual report to the Public Education~~
86 ~~Appropriations Subcommittee as described in 53A-17a-150(16).]~~

87 **R277-403-~~[3]~~4. LEA Responsibilities.**

88 ~~[A.](1)~~ An LEA[s] shall administer the Board[-]-approved benchmark reading
89 assessments at the beginning, ~~[in]at~~ the ~~[middle]midpoint~~, and at the end of grade
90 one, grade two, and grade three, within testing windows determined by ~~[USOE]~~the
91 Superintendent.

92 (2) An LEA shall report benchmark reading assessment results to the
93 Superintendent by:

94 (a) October 30;
95 (b) the last day of February; and
96 (c) June 30.
97 (3) An LEA that selects the reading assessment technology shall use the
98 assessment consistent with Board directives.

99 [B-](4) Following each benchmark reading assessment, an LEA or school
100 within an LEA shall notify a parent[s] or guardian[s] of ~~[the]~~a student's results.

101 [C-](5) At the beginning, ~~[in]~~at the ~~[middle]~~midpoint, and at the end of the
102 school year, each LEA or school within an LEA, shall identify every student currently
103 enrolled in the school who is in the first, second, or third grade who is not reading at
104 grade level.

105 [D-](6) If a benchmark assessment or supplemental reading assessment
106 indicates a student ~~[lacks competency in a reading skill]~~is reading below grade level,
107 the LEA shall implement the notification and remediation actions described in
108 Section 53A-1-606.6.

109 ~~——(1) provide notice to parents of student's lack of competency;~~
110 ~~——(2) provide information to the parent or guardian regarding appropriate~~
111 ~~interventions available to the student outside regular instructional time that may~~
112 ~~include tutoring, before and after school programs, or summer school;~~
113 ~~——(3) provide focused individualized intervention to develop the reading skill;~~
114 ~~——(4) administer formative assessments to measure the success of the focused~~
115 ~~intervention; and~~
116 ~~——(5) inform the student's parent or guardian of activities that the parent or~~
117 ~~guardian may engage in with the student to assist the student in improving reading~~
118 ~~competency.]~~

119 [E-](7) An LEA[s] shall report benchmark reading assessment results to
120 parents of students in grade one, grade two, and grade three by:

121 (a) [in the beginning,]October 30;
122 (b) [by February 15,]the last day of February; and
123 (c) [at the end of grade one, grade two and grade three, assessment
124 results]June 30.

125 [F-](8) An LEA[s] shall also report to parents the student's reading level at the

126 end of third grade.

127 ~~[G.]~~(9) An LEA[s] shall provide the following information as part of the UTREx
128 Data Submission~~[, the following information]:~~

129 ([1]a) the number of students in each of grades 1, 2, and 3 ~~[that]~~who were
130 reading below grade level at the beginning, midpoint, and end of the school year;

131 ([2]b) the number of students in each grade level ~~[that]~~who were reading
132 below grade level at the midpoint of the school year and who received reading
133 remediation interventions;

134 ([3]c) the name of each student in grades 1, 2, and 3 and a designation of
135 whether the student is reading at grade level or below grade level; and

136 ([4]d) the name of each student in grades 1, 2, and 3 who received reading
137 interventions as required under R277-403-~~[3G]~~4(4) in the prior school year.

138 **KEY: students, reading, competency**

139 **Date of Enactment or Last Substantive Amendment: ~~[November 7, 2013]~~2016**

140 **Notice of Continuation: June 10, 2013**

141 **Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-606.6(2);**

142 **53A-1-401~~[(3)]~~**