R277. Education, Administration.
R277-403. Student Reading Proficiency and Notice to Parents.
R277-403-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Competency" means a demonstrable acquisition of a specified knowledge, skill or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill or ability.

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

D. "LEA" means a local education agency, including local school boards/public school districts and charter schools.

E. "Midpoint of the school year" means January 31 of the school year.

F. "Notification to parents" for purposes of this rule means notice by any reasonable means including electronic notice, notice by telephone, written notice, or personal notice.

G. "Reading below grade level" for purposes of this rule means that a student requires additional instruction beyond that provided to typically developing peers in order to close the gap between the student's current level of reading achievement and that expected of all students in that grade as determined by valid and reliable assessments as designated by the Board.

H. "Reading remediation interventions" means instruction or activities or both in reading given to students in addition to their regular reading instruction, during another time in the school day, outside regular instructional time, or in the summer, which is focused on specific needs as identified by reliable and valid assessments.

I. "USOE" means the Utah State Office of Education.

J. "Utah Consolidated Application (UCA)" means the web-based grants management tool employed by the Utah State Office of Education by which local education agencies submit plans and budgets for approval of the Utah State Office of Education.

R277-403-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, by Section 53A-17a-150(14) which directs the Board to make rules to implement the Program and to require progress reports from each LEA documenting the LEA's satisfaction with its reading goal(s), and by Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities.

B. The purpose of this rule is to provide definitions of terms used in Section 53A-1-606.6, to provide necessary testing and reporting windows and timelines, and to require submission by LEAS of student reading assessment data to the USOE.

R277-403-3. LEA Responsibilities.

A. LEAs shall administer the Board approved benchmark

assessments at the beginning, in the middle, and at the end of grade one, grade two and grade three within testing windows determined by USOE.

B. Following each benchmark assessment, an LEA or school within an LEA shall notify parents or guardians of the student's results.

C. At the beginning, in the middle and at the end of the school year, each LEA or school within an LEA, shall identify every student currently enrolled in the school who is in the first, second or third grade who is not reading at grade level.

D. If a benchmark assessment or supplemental reading assessment indicates a student lacks competency in a reading skill, the LEA shall:

(1) provide notice to parents of student’s lack of competency;

(2) provide information to the parent or guardian regarding appropriate interventions available to the student outside regular instructional time that may include tutoring, before and after school programs, or summer school;

(3) provide focused individualized intervention to develop the reading skill;

(4) administer formative assessments to measure the success of the focused intervention; and

(5) inform the student's parent or guardian of activities that the parent or guardian may engage in with the student to assist the student in improving reading competency.

E. LEAs shall report to parents in the beginning, by February 15, and at the end of grade one, grade two and grade three, assessment results.

F. LEAs shall also report to parents the student’s reading level at the end of third grade.

G. LEAs shall provide as part of the UTREx Data Submission, the following information:

(1) the number of students in each of grades 1, 2 and 3 that were reading below grade level at the beginning, midpoint, and end of the school year;

(2) the number of students in each grade level that were reading below grade level at the midpoint of the school year and who received reading remediation interventions;

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

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

R277-403-4. Board/USOE Responsibilities.

A. The Board shall designate one benchmark assessment for use statewide by all LEAs to assess the reading competency of students in grades one, two, and three for the beginning, midpoint and end of year assessments.

B. The USOE shall provide guidance to LEAs about valid and reliable assessments to be used for the midpoint supplemental assessments to assist in evaluating the reading grade level of students.

C. The USOE shall provide procedures for LEAs to determine expected reading levels of first, second and third grade students.

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

E. To the extent of funds available, the USOE shall select interested LEAs to use the diagnostic assessment for reading.

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

(1) LEA selected assessments;

(2) student reading data required by law;

(3) assurance of compliance with all legislative and Board requirements as requested.

G. LEAs that select the assessment technology shall use the assessment consistent with Board directives.

H. The Board shall evaluate the diagnostic assessment system for reading by comparing the learning gains for students in LEAs that do not use the diagnostic assessment system for reading with LEAs that used the diagnostic reading assessment.

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

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

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