

1 **R277. Education, Administration.**

2 **R277-406. Early Learning Program and [Benchmark] 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; ~~and~~

14 (e) Sections [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 ~~(a)~~(i) set expectations for LEA Early Learning Plans;

24 ~~(b)~~(ii) establish timelines for LEA Early Learning Plans;

25 ~~(c)~~(iii) provide definitions and designate assessments required in Sections [53E-](#)
26 [4-307](#) and [53E-4-307.5](#);

27 ~~(d)~~(iv) provide testing reporting windows, and timelines; and

28 ~~(e)~~(v) require LEAs to submit student reading and mathematics assessment
29 data to 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[~~that~~];

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 ~~[(a)](i)~~ is given three times each year;

42 ~~[(b)](ii)~~ gives teachers information to:

43 ~~[(i)](A)~~ plan appropriate instruction; and

44 ~~[(ii)](B)~~ evaluate the effects of instruction; and

45 ~~[(c)](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[~~that~~];

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 ~~[(a)](i)~~ is given three times each year;

54 ~~[(b)](ii)~~ gives teachers information to:

55 ~~[(i)](A)~~ plan appropriate instruction; and

56 ~~[(ii)](B)~~ evaluate the effects of instruction; and

57 ~~[(c)](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) "Scoring below or well below benchmark" means that a student:
- 80 (a) performs below or well below the benchmark score on the benchmark
81 reading or benchmark mathematics assessment; and
 - 82 (b) requires additional instruction beyond that provided to typically-developing
83 peers to close the gap between the student's current level of achievement and that
84 expected of all students in that grade.
- 85 (12) "Remediation interventions" means reading or mathematics instruction or
86 activities, or both, given to students in addition to their regular instruction, during

87 another time in the school day, outside regular instructional time, or in the summer,
88 which is focused on specific needs as identified by reliable and valid assessments.

89 (13) "Strategic and adaptive mathematical thinking" means the ability to
90 formulate, represent, and solve mathematical problems with the capacity to justify the
91 logic used to arrive at the solution.

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

94

95 **R277-406-3. Benchmark Reading and Mathematics Assessments.**

96 (1) Subject to legislative appropriations, and except as provided in Subsection
97 (2), an LEA shall administer the benchmark reading and mathematics assessments:

98 _____ (a) annually:

99 _____ (i) in grade 1, grade 2, and grade 3; and

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

101 _____ (b) [~~annually~~] within the following testing windows:

102 [(~~a~~)](i) the first benchmark between the first day of school and September 30;

103 [(~~b~~)](ii) the second benchmark between December 1 and January 31; and

104 [(~~c~~)](iii) the third benchmark between April 15 and June 15.

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

107 (a) October 30;

108 (b) February 28; and

109 (c) June 30.

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

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

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

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

119 (a) October 30;

120 (b) February 28; and

121 (c) June 30.

122 (5) Beginning with the 2024-25 school year, an LEA shall report benchmark
123 reading and mathematics assessment results annually to parents of students in
124 kindergarten by the deadlines described in Subsection (4).

125 ~~(5)~~ (6) An LEA shall annually submit to UTREx the following information from
126 the benchmark reading and mathematics assessment:

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

128 (b) UTREx Special Codes related to the benchmark reading and mathematics
129 assessment.

130 ~~[(6) Notwithstanding this R277-406-3, for the 2021-22 and 2022-23 school years,~~
131 ~~in response to circumstances resulting from the COVID-19 pandemic, the~~
132 ~~Superintendent may:~~

133 ~~— (a) waive testing and reporting deadlines established in this section; and~~

134 ~~— (b) determine alternate testing and reporting deadlines.]~~

135

136 **R277-406-4. Early Learning Plans -- LEA and Superintendent Requirements -**
137 **Timelines.**

138 (1) To receive program money, an LEA shall submit:

139 (a) a plan in accordance with:

140 (i) Subsection [53F-2-503\(4\)](#); and

141 (ii) Section [53G-7-218](#); and

142 (b) a plan that contains the components of early mathematics; and

143 (b) other required materials within established deadlines.

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

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

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

150 (a) documentation that:

151 (i) the LEA's governing board reviewed and approved the LEA's plan in an open
152 and public meeting; and

153 (ii) the plan was uploaded to the appropriate system as required by the
154 Superintendent; and

155 (b) if necessary, a revised plan reflecting changes made to the LEA's plan by the
156 LEA's governing board.

157 (4) Within three weeks of an LEA submitting a final, local board-approved plan to
158 the Superintendent, the Superintendent shall notify the LEA if the plan was approved or
159 if modifications to the plan are required.

160 (5) If the Superintendent does not approve an LEA's plan, the LEA may, by
161 October 15:

162 (a) incorporate needed changes or provisions;

163 (b) obtain approval for the amended plan from the LEA's governing board; and

164 (c) resubmit the amended plan in accordance with Subsection (3)(a) of this part.

165 (6) If an LEA timely resubmits a plan that includes the required modifications, the
166 Superintendent shall approve the plan by November 1.

167 (7) If an LEA fails to timely resubmit an acceptable plan by October 15, the LEA
168 is not eligible for funding in the current school year.

169 (8) When reviewing an LEA plan for approval, the Superintendent shall evaluate:

170 (a) the extent to which the LEA's goals within the plan are ambitious, yet
171 attainable; and

172 (b) whether the plan uses evidence-based curriculum, materials, and practices,
173 which will support the LEA in meeting its growth goals.

174 (9) An LEA's goals, as outlined in the LEA's plan, shall be reported to the
175 Superintendent using a digital reporting platform.

176

177 **R277-406-5. 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 Sections [53F-2-503](#) and [53G-7-218](#), a growth goal in an
181 LEA's plan:

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

186 (b) sets the literacy target percentage of students in grades 1 through 3 making
187 typical or better progress at a minimum of 60%; and

188 (c) sets the mathematics target percentage of students in grades 1 through 3
189 making typical or better progress at a minimum of 60% beginning in the 2021-2022
190 school year.

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

194 (i) well-above typical;

195 (ii) above typical;

196 (iii) typical;

197 (iv) below typical; or

198 (v) well below typical.

199 (4) If an LEA does not make sufficient progress toward its plan goals for two
200 consecutive years, as defined in Subsection (5), the Superintendent shall assign the

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

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

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

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

207 (6) The Superintendent shall establish the strategies, interventions, and
208 techniques for schools that are part of the Early Learning System of Support to assist
209 schools to achieve early learning goals.

210

211 **R277-406-6. Kindergarten Enrollment Reporting.**

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

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

216

217 **KEY: reading, improvement, goals**

218 **Date of Last Change: July 22, 2022**

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

220 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53E-](#)
221 [3-521](#); [53E-4-307](#); [53E-4-307.5](#); [53F-2-503\(14\)\(a\)](#); [53G-7-203](#)**