

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 the  
8 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 state-wide target using data from the mathematics  
13 benchmark assessment; and

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 [53E-4-307.5](#), which requires the Board to approve a benchmark  
18 assessment statewide for use to assess the mathematics competency of students in  
19 grades one, two, and three.]~~

20 (2) The purpose of this rule is to outline the responsibilities of the Superintendent  
21 and LEAs for implementation of Section [53F-2-503](#) and the Board's administration of Early  
22 Learning in the state, including to:

23 (a) set expectations for LEA Early Learning Plans;

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

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

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

28 (e) require LEAs to submit student reading and mathematics assessment data to  
29 the Board.

30 **R277-406-2. Definitions.**

31 (1) "Benchmark reading assessment" means the Acadience Reading assessment  
32 that:

33 (a) is given three times each year;

34 (b) gives teachers information to:

35 (i) plan appropriate instruction; and

36 (ii) evaluate the effects of instruction; and

37 (c) provides data about ~~[the extent to which students are prepared to be~~  
38 ~~successful]~~student preparation for success on an end of year criterion referenced test.

39 (2) "Benchmark mathematics assessment" means ~~[the Board approved~~  
40 ~~assessment that is administered in accordance with the requirements established by the~~  
41 ~~Superintendent.]~~the Acadience Math assessment that:

42 (a) is given three times each year;

43 (b) gives teachers information to:

44 (i) plan appropriate instruction; and

45 (ii) evaluate the effects of instruction; and

46 (c) provides data about student preparation for success on an end of year criterion  
47 referenced test.

48 (3) "Components of early mathematics" means the key areas of mathematical  
49 learning including:

50 (a) conceptual understanding;

51 (b) procedural fluency;

52 (c) strategic and adaptive mathematical thinking; and

53 (d) productive disposition.

54 (4) "Conceptual understanding" means the comprehension and connection of  
55 concepts, operations, and relations.

56 (5) "Evidence-based" means a strategy that has demonstrated a statistically  
57 significant effect on improving student outcomes.

58 (6) "Parental notification requirements" means notice by any reasonable means,

59 including electronic notice, notice by telephone, written notice, or personal notice.

60 (7) "Plan" means the ~~[literacy and mathematics proficiency improvement early~~  
61 ~~learning plan required in the Early Learning Program that is submitted by a public school~~  
62 ~~district or a charter school, as required in Subsection 53F-2-503(4) and]~~early learning plan  
63 described in Section 53G-7-218.

64 (8) "Procedural fluency" means the meaningful, flexible, accurate, and efficient use  
65 of procedures to solve problems.

66 (9) "Productive disposition" means the attitude of a student who sees mathematics  
67 as useful and worthwhile while exercising a steady effort to learn mathematics.

68 (10) "Program money" means the same as that term is defined in Section 53F-2-  
69 503.

70 (11) "Scoring below or well below benchmark" means that a student:

71 (a) performs below or well below the benchmark score on the benchmark reading  
72 or benchmark mathematics assessment; and

73 (b) requires additional instruction beyond that provided to typically-developing  
74 peers in order to close the gap between the student's current level of achievement and  
75 that expected of all students in that grade.

76 (12) "Remediation interventions" means reading or mathematics instruction or  
77 activities, or both, given to students in addition to their regular instruction, during another  
78 time in the school day, outside regular instructional time, or in the summer, which is  
79 focused on specific needs as identified by reliable and valid assessments.

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

83 (14) "Utah eTranscript and Record Exchange" or "UTREx" means the same as  
84 that term is defined in Section R277-404-2.

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

86 (1) Subject to legislative appropriations, and except as provided in Subsection (2),

87 an LEA shall administer the benchmark reading and mathematics assessments in grade  
88 1, grade 2, and grade 3 annually within the following testing windows:

- 89 (a) the first benchmark ~~[before]~~between the first day of school and September 30;  
90 (b) the second benchmark between December 1 and January 31; and  
91 (c) the third benchmark between ~~[the middle of]~~April 15 and June 15.

92 ~~[(2) For the 2020-2021 school year, the Superintendent shall determine the testing~~  
93 ~~and reporting deadlines.]~~

94 (3) An LEA shall annually report benchmark reading and mathematics  
95 assessment results to the Superintendent by:

- 96 (a) October 30;  
97 (b) ~~[the last day of]~~February 28; and  
98 (c) June 30.

99 (4) If the benchmark reading or mathematics assessment indicates a student is  
100 scoring below or well below benchmark:

101 (a) for reading, the LEA shall implement the parental notification requirements and  
102 evidence-based reading remediation interventions described in Section 53E-4-307;

103 (b) for mathematics, the LEA shall implement ~~[a remediation intervention as~~  
104 ~~required by the Superintendent]~~parental notification requirements similar to those  
105 described for reading in Subsection (4)(a) and evidence-based reading remediation  
106 interventions.

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

- 109 (a) October 30;  
110 (b) the last day of February; and  
111 (c) June 30.

112 (6) An LEA shall annually submit to UTREx the following information from the  
113 benchmark reading and mathematics assessment:

- 114 (a) whether or not each student received remediation intervention; and  
115 (b) UTREx Special Codes related to the benchmark reading and mathematics

116 assessment.

117 [~~— (7) An LEA that selects the reading assessment technology shall use the~~  
118 ~~assessment consistent with Board directives.~~]

119 **R277-406-4. Early Learning Plans -- LEA and Superintendent Requirements -**  
120 **Timelines.**

121 (1) [~~Beginning with the 2019-20 school year, to~~] To receive program money, an  
122 LEA shall submit:

123 (a) a plan in accordance with Subsections:

124 (i) 53F-2-503(4); and

125 (iii) 53G-7-218; and

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

127 (b) other required materials within established deadlines.

128 (2)(a) Any time before [~~July~~]August 1, an LEA may submit its plan to the  
129 Superintendent for pre-approval; and

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

132 (3) An LEA shall submit a final plan to the Superintendent no later than September  
133 1<sup>[\*]</sup>by 5:00 p.m. including:

134 (a) [~~proof~~] documentation that:

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

137 (ii) the plan [~~has been~~]was uploaded to the appropriate system as required by the  
138 Superintendent; and

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

141 ([~~5~~]4) Within three weeks of an LEA submitting a final, local board-approved plan  
142 to the Superintendent, the Superintendent shall notify the LEA if the plan [~~has been~~]was  
143 approved or if modifications to the plan are required.

144 ([6]5) If the Superintendent does not approve an LEA's plan, the LEA may, by  
145 October 15:

- 146 (a) incorporate needed changes or provisions;
- 147 (b) obtain approval for the amended plan from the LEA's governing board; and
- 148 (c) resubmit the amended plan in accordance with Subsection (3)(a) of this part.

149 ([7]6) If an LEA timely resubmits a plan that includes the required modifications,  
150 the Superintendent shall approve the plan by November 1.

151 ([8]7) If an LEA fails to timely resubmit an acceptable plan by October 15, the LEA  
152 is not eligible for funding in the current school year.

153 ([9]8) When reviewing an LEA plan for approval, the Superintendent shall  
154 evaluate:

- 155 (a) the extent to which the LEA's goals within the plan are ambitious, yet  
156 attainable; and
- 157 (b) whether the plan uses evidence-based curriculum, materials, and practices,  
158 which will support the LEA in meeting its growth goals.

159 ([10]9) An LEA's goals, as outlined in the LEA's plan, shall be reported to the  
160 Superintendent using a digital reporting platform.

#### 161 **R277-406-5. Accountability and Reporting on Early Learning Plans.**

162 (1) An LEA shall annually report progress toward the goals outlined in the LEA's  
163 plan to the Superintendent by June 30~~[each year]~~.

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

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

170 (b) sets the literacy target percentage of students in grades 1 through 3 making  
171 typical or better progress ~~[or better]~~ at a minimum of 60~~[percent]~~%; and

172 (c) sets the mathematics target percentage of students in grades 1 through 3  
173 making typical or better progress at a minimum of 60%~~[set by the Superintendent]~~  
174 beginning in the 2021-2022 school year.

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

- 178 (i) well-above typical;
- 179 (ii) above typical;
- 180 (iii) typical;
- 181 (iv) below typical; or
- 182 (v) well-below typical.

183 (4) If an LEA does not make sufficient progress toward its plan goals for two  
184 consecutive years, as defined in Subsection (5), the Superintendent shall assign the LEA  
185 ~~[shall be in]~~to the ~~[Board]~~Early Learning System of Support and require~~d]~~ the LEA to  
186 participate in interventions to improve early literacy, early mathematics, or both.

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

189 (a) the ~~[LEA's]~~state's growth goals for literacy and math~~[-as described in~~  
190 ~~Subsection 53F-2-503(4)(a)(v)]~~; and

191 (b) at least one of the LEA-designated goals addressing performance gaps~~[-as~~  
192 ~~described in Subsection 53F-2-503(4)(a)(vi)]~~.

193 ~~[(6) For the 2020-2021 school year, an LEA shall provide two local goals for~~  
194 ~~literacy and zero local goals for mathematics.]~~

195 ([7]6) The Superintendent shall establish the strategies, interventions, and  
196 techniques for schools that are ~~[in]~~ part of the [Board]Early Learning System of Support to  
197 ~~[help]~~ assist schools to achieve early learning goals.

198 **KEY: reading, improvement, goals**

199 **Date of Enactment or Last Substantive Amendment: November 9, 2020**

200 **Notice of Continuation: June 7, 2018**  
201 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-**  
202 **521; 53E-4-307; 53E-4-307.5; 53F-2-503(14)(a)**