

1 **R277. Education, Administration.**

2 **R277-406. Early Learning[~~iteracy~~] Program and Benchmark ~~[Reading]~~**
3 **Assessments.**

4 **R277-406-1. Authority and Purpose.**

5 (1) This rule is authorized by:

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

8 (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the
9 Board's duties and responsibilities under the Utah Constitution and state law;

10 (c) Subsection 53F-2-503(14)(a), which directs the Board to develop rules for
11 implementing the Early Learning[~~iteracy~~] Program; ~~[and]~~

12 (d) Section 53E-3-521, which requires the board to define the components of the
13 early mathematics plan and establish a state-wide target using data from the mathematics
14 benchmark assessment;

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

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

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

24 (a) set expectations for LEA Early Learning[~~iteracy~~] Plans;

25 (b) establish timelines for LEA Early Learning[~~iteracy~~] Plans;

26 (c) provide definitions and designate assessments required in Section 53E-4-307
27 and 53E-4-307.5;

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

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

31

32 **R277-406-2. Definitions.**

33 (1) "Benchmark reading assessment" means the Acadience Reading assessment
34 that:

35 (a) is given three times each year;
36 (b) gives teachers information to:
37 (i) plan appropriate instruction; and
38 (ii) evaluate the effects of instruction; and
39 (c) provides data about the extent to which students are prepared to be successful
40 on an end of year criterion referenced test.

41 (2) "Benchmark mathematics assessment" means the Board approved assessment
42 that is administered in accordance with the requirements established by the
43 Superintendent.

44 (3) "Components of early mathematics" means the following elements used to
45 ~~measure~~ achieve ~~mathematics~~ proficiency in mathematics:

- 46 (a) conceptual understanding;
47 (b) procedural fluency;
48 (c) strategic and adaptive mathematical thinking; and
49 (d) productive disposition.

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

52 ~~(2)~~5 "Evidence-based" means a strategy that has demonstrated a statistically
53 significant effect on improving student outcomes.

54 ~~(3)~~6 "Parental notification requirements" means notice by any reasonable
55 means, including electronic notice, notice by telephone, written notice, or personal notice.

56 ~~(4)~~7 "Plan" means the literacy and mathematics proficiency improvement plan
57 required in the Early Learning~~iteracy~~ Program that is submitted by a public school district
58 or a charter school, as required in Subsection [53F-2-503](#)(4) and [53G-7-218](#).

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

61 (9) "Productive disposition" means a student who sees mathematics as useful and
62 worthwhile while exercising a steady effort to learn mathematics.

63 ~~(5)~~10 "Program money" means the same as that term is defined in Section
64 [53F-2-503](#).

65 ~~(6)~~11 "~~Reading~~Scoring below ~~grade-level~~benchmark" means that a student:

- 66 (a) performs below the benchmark score on the benchmark reading or
67 mathematics assessment; and

68 (b) requires additional instruction beyond that provided to typically-developing
69 peers in order to close the gap between the student's current level of ~~[reading]~~
70 achievement and that expected of all students in that grade.

71 ~~(~~[7]~~12)~~ "R~~[eading]~~~~[r]~~emediation interventions" means reading or mathematics
72 instruction or ~~[reading]~~ activities, or both, given to students in addition to their regular
73 ~~[reading]~~ instruction, during another time in the school day, outside regular instructional
74 time, or in the summer, which is focused on specific needs as identified by reliable and
75 valid assessments.

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

79 ~~(~~[8]~~14)~~ "Utah eTranscript and Record Exchange" or "UTREx" means the same as
80 that term is defined in Section R277-404-2.

81

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

83 (1) An LEA shall administer the benchmark reading and mathematics
84 assessments in grade 1, grade 2, and grade 3 within the following testing windows:

- 85 (a) the first benchmark before September 30;
86 (b) the second benchmark between December 1 and January 31; and
87 (c) the third benchmark between the middle of April and June 15.

88 (2) An LEA shall report benchmark reading and mathematics assessment results
89 to the Superintendent by:

- 90 (a) October 30;
91 (b) the last day of February; and
92 (c) June 30.

93 (3) If the benchmark reading or mathematics assessment indicates a student is
94 [reading]scoring below [grade-level]benchmark:

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

97 (b) for mathematics, the LEA shall implement a remediation intervention as required
98 by the Superintendent.

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

- 101 (a) October 30;

- 102 (b) the last day of February; and
103 (c) June 30.
104 (5) An LEA shall submit to UTREx the following information from the benchmark
105 reading and mathematics assessment:
106 (a) whether or not each student received ~~[reading]~~remediation intervention; and
107 (b) UTREx Special Codes related to the benchmark reading assessment.
108 (6) An LEA that selects the reading assessment technology shall use the
109 assessment consistent with Board directives.

110

111 **R277-406-4. Early Learning~~[iteracy]~~ Plans -- LEA and Superintendent**
112 **Requirements - Timelines.**

113 (1) Beginning with the 2019-20 school year, to receive program money, an LEA
114 shall submit:

115 (a) a plan in accordance with Subsections:

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

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

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

119 (b) other required materials within established deadlines.

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

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

124 (3) An LEA shall submit a final plan to the Superintendent ~~[by]~~ no later than ~~[August~~
125 ~~45]~~September 1st by 5:00 p.m. including;[:]

126 (a) proof that:

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

129 (ii) the plan has been uploaded to the appropriate system as required by the
130 Superintendent; and

131 ~~[(4) Notwithstanding Subsection (3), by September 1 an LEA shall provide to the~~
132 ~~Superintendent:~~

133 ~~—— (a) proof that the LEA's governing board reviewed and approved the LEA's plan in~~
134 ~~an open meeting; and]~~

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

137 (5) Within three weeks of an LEA submitting a final, local board-approved plan to
138 the Superintendent, the Superintendent shall notify the LEA if the plan has been approved
139 or if modifications to the plan are required.

140 (6) If the Superintendent does not approve an LEA's plan, the LEA may, by
141 October 15:

142 (a) incorporate needed changes or provisions;

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

144 (c) resubmit the amended plan in accordance with Subsection (3)(a) of this part.];
145 and]

146 (7) If an LEA timely resubmits a plan that includes the required modifications, the
147 Superintendent shall approve the plan by November 1.

148 (8) If an LEA fails to timely resubmit an acceptable plan by ~~November~~October
149 15, the LEA is not eligible for funding in the current school year.

150 (9) When reviewing an LEA plan for approval, the Superintendent shall evaluate:

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

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

155 (10) ~~[All LEA plans]~~An LEA's goals, as outlined in the LEA's plan, shall be
156 reported to the Superintendent using a digital reporting platform.

157

158 **R277-406-5. Accountability and Reporting on Early Learning[iteracy] Plans.**

159 (1) An LEA shall report progress toward the goals outlined in the LEA's plan to the
160 Superintendent by June 30 each year.

161 (2) In accordance with Section 53F-2-503 and 53G-7-218, a growth goal in an
162 LEA's plan:

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

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

169 (c) sets the mathematics target percentage of students in grades 1 through 3
170 making typical or better progress at a minimum **set by the Superintendent** beginning in the
171 2021-2022 school year.

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

- 175 (i) well-above typical;
- 176 (ii) above typical;
- 177 (iii) typical;
- 178 (iv) below typical; or
- 179 (v) well-below typical.

180 (4) If an LEA does not make sufficient progress toward its plan goals for two
181 consecutive years, as defined in Subsection (5), the LEA shall be in the Board System of
182 Support and required to participate in interventions to improve early literacy, early
183 mathematics, or both.

184 (5) Accept as provided for in Subsection (6), ~~[S]~~sufficient progress toward plan
185 goals means the LEA meets:

- 186 (a) the LEA's growth goal, as described in Subsection 53F-2-503(4)(a)(v); and
- 187 (b) at least one of the LEA-designated goals addressing performance gaps, as
188 described in Subsection 53F-2-503(4)(a)(vi).

189 (6) For the 2020-2021 school year, an LEA shall provide two local goals for literacy
190 and zero local goals for mathematics.

191 ~~[(6)]~~ The Superintendent shall establish the strategies, interventions, and
192 techniques for schools that are in the Board System of Support to help schools achieve
193 early ~~[literacy]~~learning goals.

194
195 **KEY: reading, improvement, goals**

196 **Date of Enactment or Last Substantive Amendment:** ~~[July 2, 2019]~~2020

197 **Notice of Continuation:** June 7, 2018

198 **Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53E-3-401(4);
199 53E-3-521; 53E-4-307; 53E-4-307.5; 53F-2-503(14)(a)

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