

R277-489 received final approval by the Utah State Board of Education on May 4, 2023. R277-489 will be published in the June 1, 2023, Utah State Bulletin, subject to a 30-day comment period, with a planned effective date of July 10, 2023.

R277. Education, Administration.

R277-489. Kindergarten Programs and Assessment.

R277-489-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-401(4), which permits the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law; and
[~~_____ (c) Section 53F-2-507, which directs the Board to distribute funds appropriated for OEK and FDK to LEAs that apply for the funds.~~]

_____ (c) Section 53G-7-203, which requires the Board to establish rules regarding the administration of and reporting regarding the kindergarten assessment.

(2) The purpose of this rule is to[:

~~_____ (a) require LEAs to administer a kindergarten entry and exit assessment; and~~

~~_____ (b) establish criteria and procedures to administer the optional enhanced kindergarten program and full-day kindergarten.] designate the kindergarten assessment and establish timelines and requirements for administration and reporting assessment results and enrollment.~~

R277-489-2. Definitions.

[~~_____ (1) "Efforts to expand FDK statewide" means an LEA's readiness to expand to additional FDK classrooms. _____ (2) "FDK" or "full-day kindergarten" means a~~

~~kindergarten day where the schedule is equivalent in length to grades 1 through 3.~~

~~_____ (3) "Geography" means the classification of the county in which the LEA is located, with priority to counties in this order:~~

~~_____ (a) sixth class county;~~

~~_____ (b) fifth class county;~~

~~_____ (c) fourth class county;~~

~~_____ (d) third class county;~~

~~_____ (e) second class county; and~~

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~~_____ (f) first class county.~~

~~_____ (4) "LEA's receipt of ongoing federal funding" means the amount of ongoing Title I funding used by an LEA to fund FDK.~~

~~_____ (5) "Optional enhanced kindergarten program" or "OEK" means a program that provides additional instruction to kindergarten age students.~~

~~_____ (6) "Socioeconomic need" means an LEA's percentage of students eligible for free and reduced lunch, with priority to an LEA with a greater percentage of eligible students.]~~

~~[(7)]~~ "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically between public education LEAs and the Board, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

R277-489-3. Administration of Kindergarten Entry and Exit Assessments.

(1) ~~[Except as provided in Subsection (2), an LEA shall administer:]~~ For purposes of Subsection 53G-7-203(4), the Board selected kindergarten assessment is the kindergarten entry and exit profile or KEEP, which includes the kindergarten entry and exit assessments, required to be administered by LEAs as described in Section 53G-7-203.

~~_____ (2) An LEA shall administer:~~

~~(a) [a]the kindergarten entry assessment[~~, approved by the Superintendent,~~] to each kindergarten student sometime during the three weeks before through the three weeks after the first day of kindergarten; and~~

~~(b) [a]the kindergarten exit assessment[~~, approved by the Superintendent,~~] to each kindergarten student sometime during the four weeks before the last day of school.~~

~~[-_____ (2) An LEA is not required to administer the kindergarten entry and exit assessments if the LEA does not participate in:~~

~~_____ (a) the optional enhanced kindergarten program;~~

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~~_____ (b) full-day kindergarten; or~~

~~_____ (c) the Early Interactive Reading Software Program described in Rule R277-496.]~~

(3) The days used for the assessment shall be consistent with Subsection R277-419-~~[5]~~4(6)(d).

(4) An LEA shall submit to the Data Gateway:

(a) kindergarten entry assessment data by September 30; and

(b) kindergarten exit assessment data by June 15.

(5) In accordance with ~~[Section]~~Rule R277-114, the Superintendent may recommend action to the Board, including withholding of funds, if an LEA fails to provide complete, accurate, and timely reporting under Subsection (4).

R277-489-4. Use of Kindergarten Entry and Exit Assessment Data.

(1) The Superintendent or an LEA may use entry and exit assessment data obtained in accordance with Section R277-489-3 to:

(a) provide insights into current levels of academic performance upon entry and exit of kindergarten;

(b) identify students in need of early intervention instruction and promote differentiated instruction for all students;

(c) understand the effectiveness of programs, such as ~~[extended]~~full-day kindergarten and preschool;

(d) provide opportunities for data-informed decision making and cost-benefit analysis of early learning initiatives;

(e) identify effective instructional practices or strategies for improving student achievement outcomes in a targeted manner; and

(f) understand the influence and impact of full-day kindergarten on at-risk students in both the short- and long-term.

(2) An LEA may not use entry and exit assessment data obtained in accordance with Section R277-489-3 to:

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- (a) justify early enrollment of a student who is not currently eligible to enroll in kindergarten, such as a student with a birthday falling after September 1;
- (b) evaluate an educator's teaching performance; or
- (c) determine whether a student should be retained or promoted between grades.

R277-489-5. Kindergarten Enrollment Reporting.

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

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

~~[R277-489-5. Optional Enhanced Kindergarten Program.~~

~~———— (1) The Superintendent shall accept applications from LEAs for OEK programs that satisfy the requirements of Section 53F-2-507, and this rule.~~

~~———— (2) The Superintendent shall establish timelines for submission of applications.~~

~~———— (3) An LEA application for the optional enhanced kindergarten program funds shall include:~~

~~———— (a) the names of schools for which program funds shall be used;~~

~~———— (b) a description of the delivery methods that may be used to serve eligible students, such as:~~

~~———— (i) full-day kindergarten;~~

~~———— (ii) additional hours; or~~

~~———— (iii) other means.~~

~~———— (c) a description of the evidence-based early intervention model used by the LEA;~~

~~———— (d) a description of how the program focuses on age-appropriate literacy and numeracy skills;~~

~~———— (e) a description of how the program targets at-risk students; and~~

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~~—— (f) other information as requested by the Superintendent.~~

~~—— (4) An LEA shall submit the appropriate kindergarten UTREx code to the Superintendent through UTREx by June 15 annually.~~

~~—— (5) The Superintendent shall distribute funds to eligible charter schools based on a formula identifying the percentage of students in public schools and the percentage of students with the greatest need for an enhanced kindergarten program consistent with Subsection 53F-2-507(4)(a).~~

~~—— (6) The Superintendent shall distribute funds to eligible school districts by determining the number of students eligible to receive free lunch in the prior school year for each school district and prorating the remaining funds based on the number of students eligible to receive free lunch in each school district.~~

~~—— (7) The Superintendent shall establish timelines for distribution of the optional enhanced kindergarten program funds.~~

~~—— (8) An LEA governing board shall use OEK program money for optional enhanced kindergarten programs and supports that have proven to significantly increase the percentage of students who are proficient in literacy and mathematics, including:~~

~~—— (a) salary and benefits for individuals teaching and supporting enhanced kindergarten programs; and~~

~~—— (b) evidence-based intervention curriculum.~~

~~R277-489-6. Full-Day Kindergarten.~~

~~—— (1) The Superintendent shall establish deadlines for an LEA to submit an application for FDK funds.~~

~~—— (2) An LEA application shall include:~~

~~—— (a) the amount of Title I funds currently dedicated to fund FDK;~~

~~—— (b) the number of new FDK classrooms the LEA proposes to fund; and~~

~~—— (c) other information requested by the Superintendent.~~

~~—— (3) An LEA shall submit the appropriate kindergarten UTREx code to the Superintendent through UTREx by June 15 annually.~~

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~~_____ (4) The Superintendent shall distribute funds appropriated for FDK consistent with Subsection 53G-7-203(5), giving priority to LEAs with greatest need in the following order:~~

~~_____ (a) socioeconomic need;~~

~~_____ (b) geography;~~

~~_____ (c) efforts to expand full-day kindergarten; and~~

~~_____ (d) receipt of on-going federal funding.~~

~~_____ (5) If an LEA's current annual combined allocation for kindergarten students exceeds an amount equal to what the LEA would receive if the LEA were funded from the kindergarten basic school program at a full WPU based on the LEA's number of kindergarten students, the LEA may not receive additional FDK funds.~~

~~_____ (6) The Superintendent shall establish timelines for distribution of FDK funds;~~

~~_____ (7) An LEA governing board shall use FDK money to fund salary and benefits of full-day kindergarten teachers.]~~

KEY: enhanced kindergarten

Date of Last Change: 2023[~~June 13, 2022~~]

Notice of Continuation: January 13, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-507