

1 **R277. Education, Administration.**

2 **R277-496. K-3 Reading Software Licenses.**

3 **R277-496-1. 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; and

9 ~~[(c) Subsection 53F-4-203(2), which directs the Board to distribute software
10 licenses for the early interactive reading software program to LEAs that apply for the
11 licenses.]~~

12 (c) Section [53F-4-203](#), which requires the Board to administer funds for early
13 interactive reading software for early grades.

14 (2) The purpose of this rule is to establish criteria and procedures to administer
15 the K-3 reading software program.

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17 **R277-496-2. Definitions.**

18 ~~[(1) "Aggregate student population" means the total number of students within a
19 school who are using a technology provider's early interactive reading software
20 licenses.~~

21 ~~—— (2) "Dosage" means amount of instruction time.]~~

22 ~~[(3)]~~ "Early interactive reading software" or "K-3 reading software license" means
23 technology tools and software that adjust the presentation of educational material
24 according to a student's weaknesses and strengths, as indicated by the student's
25 responses to questions.

26 ~~[(4) "Personalized fidelity" means local measures for fidelity to a software
27 product based on three or more data points that demonstrate successful student
28 outcomes at or above the level of student outcomes achieved by the technology
29 provider's dosage recommendations.~~

30 ~~—— (5) "Use early interactive reading software in accordance with a technology~~
31 ~~provider's dosage recommendations" means when at least 80% of the aggregate~~
32 ~~student population of a school, by provider:~~

33 ~~—— (a) uses a technology provider's K-3 reading software for at least 80% of:~~

34 ~~—— (i) the minimum number of weeks of use recommended by the technology~~
35 ~~provider for the K-3 reading software program;~~

36 ~~—— (ii) the average number of minutes of use recommended by the technology~~
37 ~~provider for the K-3 reading software program or~~

38 ~~—— (b) demonstrates personalized fidelity per programmatic requirements.]~~

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40 **R277-496-3. K-3 Reading Software Licenses.**

41 ~~(1)[(a) The Superintendent shall select one or more technology providers~~
42 ~~through an RFP to provide early interactive reading software for students in~~
43 ~~kindergarten through grade 3.] An LEA shall select one or more technology providers~~
44 ~~through an LEA-approved selection process.~~

45 ~~[(b) A provider identified by [the Superintendent] an LEA under Subsection (1)(a)~~
46 ~~shall use evidence-informed core materials and evidence-based instructional practices~~
47 ~~and intervention materials.~~

48 ~~—— (c) The Superintendent may define standards for evidence consistent with~~
49 ~~Subsections 53G-11-303(1)(a) and (b).~~

50 ~~(2) A school may apply for early interactive reading software for students in~~
51 ~~kindergarten through grade 3.~~

52 ~~—— (3) The Superintendent shall accept applications from LEAs for early interactive~~
53 ~~reading software licenses that satisfy the requirements of Section 53F-4-203 and the~~
54 ~~provisions of this rule.~~

55 ~~—— (4) If the number of requests for K-3 reading software licenses exceeds the~~
56 ~~number of licenses available, the Superintendent shall give priority to:~~

57 ~~—— (a) requests for licenses to be used in Kindergarten or grade 1; or~~

58 ~~—— (b) a school that:~~

59 ~~—— (i) received a K-3 reading license in a previous school year; and~~
60 ~~—— (ii) used the K-3 reading license in accordance with the technology provider's~~
61 ~~dosage recommendations.~~

62 ~~—— (5) The Superintendent shall establish timelines for submission of applications.]~~

63 (2)(a) An LEA shall enter into a data sharing agreement with a provider selected
64 in accordance with Subsection (1).

65 (b) An LEA's data sharing agreement with a software provider shall require the
66 software provider to share information with a third party program evaluator selected by
67 the Superintendent.

68 (c) An LEA shall provide a signed copy of the LEA's data sharing agreement to
69 the Superintendent prior to receiving reimbursement for allocated funds.

70 ~~([6]3) A school may not require a student to participate in the K-3 reading~~
71 ~~software license program.~~

72

73 **~~[R277-496-4. School Probationary Re-entry Into the Program.~~**

74 ~~—— (1) If a school does not use the early interactive reading software licenses in~~
75 ~~accordance with the technology provider's dosage recommendations, the school may~~
76 ~~not receive K-3 reading software licenses for one year.~~

77 ~~—— (2) A school described in Subsection (1) may reapply to re-enter the program on~~
78 ~~a probationary basis and receive K-3 reading software licenses if the school meets the~~
79 ~~probation requirements of this Section R277-496-4.~~

80 ~~—— (3) A school is on probation if the school:~~

81 ~~—— (a) previously received K-3 reading software licenses;~~

82 ~~—— (b) lost eligibility to participate in the program, which includes failure to use the~~
83 ~~early interactive software per the technology provider's dosage recommendations for~~
84 ~~two consecutive years; and~~

85 ~~—— (c) receives K-3 reading software licenses after re-entering the program.~~

86 ~~———— (4)(a) The school principal, instructional leaders, and teachers of a school on~~
87 ~~probation shall engage in all of the available technology provider support structures and~~
88 ~~interventions for probationary software programs, including:~~

89 ~~———— (i) data dives;~~

90 ~~———— (ii) professional learning; and~~

91 ~~———— (iii) usage and fidelity updates.~~

92 ~~———— (b) A technology provider shall establish the specific support structure~~
93 ~~requirements and interventions described in Subsection (4)(a) for the technology~~
94 ~~provider's software program.~~

95 ~~———— (5) If a technology provider does not offer support structure requirements and~~
96 ~~interventions as described in Subsection (4), the Superintendent may not make the~~
97 ~~technology provider's software available for a school that is on probation.~~

98 ~~———— (6) If a school on probation does not use the early interactive reading software~~
99 ~~licenses in accordance with a technology provider's dosage recommendations during~~
100 ~~the probationary year, the school may not receive an early interactive reading license~~
101 ~~for the following year unless the school on probation pays for 50% of the costs of the K-~~
102 ~~3 reading license software license.~~

103]

104 **R277-496-5. Reporting.**

105 (1) ~~[An LEA that receives]~~A provider that provides K-3 reading software licenses
106 shall provide information ~~[that is requested]~~upon request by the Superintendent or an
107 external evaluator selected by the Board in ~~[conducting the evaluation required in-]~~
108 accordance with Subsections [53F-4-203](#)(3) and (4).

109 (2) The Superintendent may recommend action to the Board, including
110 withholding of funds, in accordance with Rule [R277-114](#) for an LEA that fails to provide
111 complete, accurate, and timely reporting as required by this rule.

112

113 **KEY: reading, software, licenses**

114 **Date of Last Change:**

115 **Notice of Continuation: September 15, 2022**

116 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53F-](#)**

117 **[4-203](#)**