

R277. Education, Administration.

R277-406. Early Learning Program and Assessments.

R277-406-1. 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 allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Section [53E-3-521](#), which requires the board to define the components of the early mathematics plan and establish a statewide target using data from the mathematics benchmark assessment;

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

(e) 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:

(a) to outline the responsibilities of the Superintendent and LEAs for implementation of Section [53E-3-521](#) and the Board's administration of Early Learning in the state, including to:

(i) set expectations for LEA Early Learning Plans;

(ii) establish timelines for LEA Early Learning Plans;

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

(iv) provide testing reporting windows, and timelines; and

(v) require LEAs to submit student reading and mathematics assessment data to the Board; and

(b) designate the kindergarten assessment and establish timelines and requirements for administration and reporting kindergarten assessment results and enrollment.

R277-406-2. Definitions.

(1)(a) "Benchmark reading assessment" means the Acadience Reading assessment.

(b) The "benchmark reading assessment:"

(i) is given three times each year;

(ii) gives teachers information to:

(A) plan appropriate instruction; and

(B) evaluate the effects of instruction; and

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

(2)(a) "Benchmark mathematics assessment" means the Acadience Math assessment;

(b) The "benchmark mathematics assessment:"

(i) is given three times each year;

(ii) gives teachers information to:

(A) plan appropriate instruction; and

(B) evaluate the effects of instruction; and

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

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

(a) conceptual understanding;

(b) procedural fluency;

(c) strategic and adaptive mathematical thinking; and

(d) productive disposition.

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

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

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

(7) "Plan" means the Early Learning plan described in Section [53G-7-218](#).

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

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

(10) "Reading on Grade Level" or "ROGL" means a third grade student is scoring above benchmark and meets or exceeds 405 on the end of year benchmark reading assessment to achieve the strenuous statewide goal of 70% third grade-level proficiency as required by Section [53E-3-1001](#).

(11) "Scoring above benchmark" means that a student will likely need effective core instruction to meet subsequent learning goals and may benefit from instruction on more advanced skills.

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

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

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

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

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

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

R277-406-3. Incorporation by Reference of Science of Reading Resources.

(1) This rule incorporates by reference:

- (a) the Science of Reading Evidence Informed Core Criteria Checklist; and
- (b) the Evidence Criteria for Evidence-Based Curriculum.

(2) A copy of these documents is located at:

- (a) <https://www.schools.utah.gov/administrativerules/documentsincorporated>;

and

- (b) the offices of the Utah State Board of Education.

R277-406-4. Benchmark Reading and Mathematics Assessments.

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

(2), an LEA shall administer the benchmark reading and mathematics assessments:

(a) annually:

- (i) in grade 1, grade 2, and grade 3; and
- (ii) beginning with the 2024-25 school year, in kindergarten; and

(b) within the following testing windows:

- (i) the first benchmark between the first day of school and September 30;
- (ii) the second benchmark between December 1 and January 31; and
- (iii) the third benchmark between April 15 and June 15.

(2) An LEA shall annually report benchmark reading and mathematics

assessment results to the Superintendent by:

- (a) October 30;
- (b) February 28; and
- (c) June 30.

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

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

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

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

- (a) October 30;
- (b) February 28; and
- (c) June 30.

(5) An LEA shall report benchmark reading and mathematics assessment results annually to parents of students in kindergarten by the deadlines described in Subsection (4).

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

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

R277-406-5. Early Learning Plans -- LEA and Superintendent Requirements - Timelines.

(1) An LEA shall submit a plan in accordance with Section [53G-7-218](#) that contains:

- (a) the components of early mathematics as defined in Section [53E-3-521](#);
- (b) an assurance that:
 - (i) the LEA has adopted high quality instructional materials and intervention programs aligned with the effective research regarding the science of reading; and
 - (ii) the LEA's reading strategies meet the criteria outlined in Section [53G-11-303](#);
- (c) the reading curriculum currently adopted by the LEA; and
- (d) other required materials within established deadlines.

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

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

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

- (a) an assurance that the LEA's governing board reviewed and approved the LEA's plan in an open and public meeting; and

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

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

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

(a) incorporate needed changes or provisions;

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

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

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

(7) When reviewing an LEA plan for approval, the Superintendent shall evaluate the extent to which the LEA's goals within the plan are ambitious, yet attainable.

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

R277-406-6. Accountability and Reporting on Early Learning Plans.

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

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

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

(b) sets the mathematics target percentage of students in grades 1 through 3 making typical or better progress at a minimum of 60%.

(3) The Superintendent shall use the information provided by an LEA described in Section R277-406-5 to determine the progress of each student in grades 1 through 3 within the following categories:

(i) well-above typical;

- (ii) above typical;
- (iii) typical;
- (iv) below typical; or
- (v) well below typical.

(4) The Superintendent shall report the percentage of students reading on grade level in Grade 3 annually.

(5) If an LEA does not make sufficient progress toward its plan goals for two consecutive years, as defined in Subsection (6), the Superintendent shall assign the LEA to the Early Learning System of Support and require the LEA to participate in interventions to improve early mathematics.

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

- (a) the state's growth goals for math; and
- (b) at least one of the LEA-designated goals addressing performance gaps.

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

R277-406-7. 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.

KEY: reading, improvement, goals

Date of Last Change: June 7, 2024

Notice of Continuation: January 13, 2022

Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53E-3-521](#); [53E-4-307](#); [53E-4-307.5](#); [53G-7-203](#)