

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 the
8 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 licenses
10 for the early interactive reading software program to LEAs that apply for the licenses.

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

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14 **R277-496-2. Definitions.**

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

17 (2) "Dosage" means amount of instruction time.

18 (3) "Early interactive reading software" or "K-3 reading software license" means
19 technology tools and software that adjust the presentation of educational material according
20 to a student's weaknesses and strengths, as indicated by the student's responses to
21 questions.

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

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

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

30 (i) the minimum number of weeks of use recommended by the technology provider
31 for the K-3 reading software program;

32 (ii) the average number of minutes of use recommended by the technology provider
33 for the K-3 reading software program or

34 (b) demonstrates personalized fidelity per programmatic requirements.
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36 **R277-496-3. K-3 Reading Software Licenses.**

37 (1)(a) The Superintendent shall select one or more technology providers through an
38 RFP to provide early interactive reading software for students in kindergarten through grade
39 3.

40 (b) A provider identified by the Superintendent under Subsection (1)(a) shall use
41 evidence-informed core materials and evidence-based instructional practices and
42 intervention materials.

43 (c) The Superintendent may define standards for evidence consistent with
44 Subsections [53G-11-303\(1\)\(a\) and \(b\)](#).

45 (2) A school may apply for early interactive reading software for students in
46 kindergarten through grade 3.

47 (3) The Superintendent shall accept applications from LEAs for early interactive
48 reading software licenses that satisfy the requirements of Section [53F-4-203](#) and the
49 provisions of this rule.

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

52 (a) requests for licenses to be used in Kindergarten or grade 1; or

53 (b) a school that:

54 (i) received a K-3 reading license in a previous school year; and

55 (ii) used the K-3 reading license in accordance with the technology provider's dosage
56 recommendations.

57 (5) The Superintendent shall establish timelines for submission of applications.

58 (6) A school may not require a student to participate in the K-3 reading software
59 license program.
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61 **R277-496-4. School Probationary Re-entry Into the Program.**

62 (1) If a school does not use the early interactive reading software licenses in

63 accordance with the technology provider's dosage recommendations, the school may not
64 receive K-3 reading software licenses for one year.

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

68 (3) A school is on probation if the school:

69 (a) previously received K-3 reading software licenses;

70 (b) lost eligibility to participate in the program, which includes failure to use the early
71 interactive software per the technology provider's dosage recommendations for two
72 consecutive years; and

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

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

77 (i) data dives;

78 (ii) professional learning; and

79 (iii) usage and fidelity updates.

80 (b) A technology provider shall establish the specific support structure requirements
81 and interventions described in Subsection (4)(a) for the technology provider's software
82 program.

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

86 (6) If a school on probation does not use the early interactive reading software
87 licenses in accordance with a technology provider's dosage recommendations during the
88 probationary year, the school may not receive an early interactive reading license for the
89 following year unless the school on probation pays for 50% of the costs of the K-3 reading
90 license software license.

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92 **R277-496-5. Reporting.**

93 (1) An LEA that receives K-3 reading software licenses shall provide information that

94 is requested by the Superintendent or external evaluator selected by the Board in
95 conducting the evaluation required in Subsection [53F-4-203\(3\) and \(4\)](#).

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

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100 **KEY: reading, software, licenses**

101 **Date of Enactment or Last Substantive Amendment: December 10, 2018**

102 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53F-4-](#)
103 [203](#)**