

R277-489 received final approval by the Utah State Board of Education on May 7, 2020. R277-489 will be published in the June 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of July 8, 2020.

R277. Education, Administration.

R277-489. Kindergarten Entry and Exit Assessment – ~~[Early Intervention]~~Enhanced Kindergarten Program.

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 the ~~[early intervention]~~enhanced kindergarten program to LEAs that apply for the funds.

(2) The purpose of this rule is to require LEAs to administer a kindergarten entry and exit assessment and establish criteria and procedures to administer the ~~[early intervention]~~enhanced kindergarten program.

R277-489-2. Definitions.

(1) "~~[Early intervention]~~Enhanced Kindergarten program" means a program that provides additional instruction to kindergarten age students:

(a) as ~~[an extended period]~~additional hours before or after school~~;~~;

~~(b) full day[on Saturdays, or during the summer]; or~~

~~([b]c)~~ through other means.

(2) "Enrollment" means class enrollment of not more than the student enrollment of other kindergarten classes within the school.

(3) "LEA plan" means the ~~[early intervention]~~enhanced kindergarten program plan submitted by an LEA and approved and accepted for funding by the Superintendent.

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

(1) Except as provided in Subsection (2), an LEA shall administer:

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(a) a kindergarten entry assessment, approved by the Superintendent, to each kindergarten student sometime within:

(i) three weeks before the first day of ~~[school]~~kindergarten; and

(ii) three weeks after the first day of ~~[school]~~kindergarten; and

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

(2) A charter school that does not participate in the ~~[Early Intervention P]~~enhanced kindergarten program or the K-3 Reading Software Program described in R277-496 is not required to administer the kindergarten entry and exit assessments.

(3) The days used for the assessment shall be consistent with Subsection R277-419-11(3)(e).

(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 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-day kindergarten and pre-school;

(d) provide opportunities for data data-informed decision making and cost-benefit

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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:

(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. ~~[Early Intervention]~~Enhanced Kindergarten Program.

(1) The Superintendent shall accept applications from LEAs for ~~[early intervention]~~enhanced kindergarten programs ~~[delivered through enhanced kindergarten programs]~~ that satisfy the requirements of Section 53F-2-507 and the provisions of this rule.

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

(3) An LEA application for ~~[early intervention]~~enhanced kindergarten program funds shall include:

(a) the names of schools for which program funds must be used;

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

(i) full-day kindergarten;

~~[(ii) two half days;]~~

(ii~~[i]~~) extra hours; or

~~[(iv) a summer program; or~~

~~[(v)iii]~~ other means~~[:];~~.

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- (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; and
 - (e) a description of how the program targets at-risk students;[
 - ~~—(f) a description of the assessment procedures and tools to be used by participating schools within the LEA;]~~ and
 - (g) other information as requested by the Superintendent and approved by the Board.
- (4) 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).
- (5) 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.
- (6) The Superintendent shall establish timelines for distribution of [~~early intervention~~]enhanced kindergarten program funds.
- (7) The Superintendent shall require all funded programs to submit an annual report.
- (8) An LEA may not require a student to participate in an [~~early intervention~~]enhanced kindergarten program.

R277-489-6 Eligibility for Enhanced Kindergarten Programs Grant Funds—Use of Funds.

- (1) The Superintendent shall review data gathered from previous year kindergarten entry and exit assessments to determine the following performance measures:
- (a) average percentage of students state-wide with increases in literacy scores;

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(b) average percentage of students state-wide with increases in numeracy scores;

(c) average percentage of students state-wide with decreases in literacy scores;

(d) average percentage of students state-wide with decreases in numeracy scores;

(2)(a) An eligible LEA that received program funds for the current school year may reapply to receive program funds for the next school year if 50% of the participating LEA's schools performed better than the state average in at least three of the four performance measures outlined in Subsection (1);

(b) If an LEA does not meet performance measures, as defined in Subsection (2)(a), the LEA shall be in the enhanced kindergarten system of support and required to participate in interventions to improve outcomes.

(c) An eligible LEA that does not meet the performance standards outlined in Subsection (2)(a) for three consecutive years will have funding reduced to exclude failing programs.

(3) The Superintendent shall establish the strategies, interventions, and techniques for LEAs that are in the enhanced kindergarten system of support to help schools achieve performance outcomes on the KEEP assessment.

(4) An LEA governing board shall use program money for 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.

KEY: ~~[early intervention]~~enhanced kindergarten

Date of Enactment or Last Substantive Amendment: September 21, 2017

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