

R277-406 received final approval by the Utah State Board of Education on August 6, 2020. R277-406 will be published in the September 1, 2020 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of October 9, 2020.

R277. Education, Administration.

R277-406. Early Learning Program and Benchmark 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) Subsection 53F-2-503(14)(a), which directs the Board to develop rules for implementing the Early Learning Program;

(d) Section 53E-3-521, which requires the board to define the components of the early mathematics plan and establish a state-wide target using data from the mathematics benchmark assessment;

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

(f) Section 53E-4-307.5, which requires the Board to approve a benchmark assessment statewide for use to assess the mathematics competency of students in grades one, two, and three.

(2) The purpose of this rule is to outline the responsibilities of the Superintendent and LEAs for implementation of Section 53F-2-503 and the Board's administration of Early Learning in the state, including to:

(a) set expectations for LEA Early Learning Plans;

(b) establish timelines for LEA Early Learning Plans;

(c) provide definitions and designate assessments required in Section 53E-4-307 and 53E-4-307.5;

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

(e) require LEAs to submit student reading and mathematics assessment data to the Board.

R277-406-2. Definitions.

(1) "Benchmark reading assessment" means the Acadience Reading assessment that:

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(a) is given three times each year;
(b) gives teachers information to:
(i) plan appropriate instruction; and
(ii) evaluate the effects of instruction; and
(c) provides data about the extent to which students are prepared to be successful on an end of year criterion referenced test.

(2) "Benchmark mathematics assessment" means the Board approved assessment that is administered in accordance with the requirements established by the Superintendent.

(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 literacy and mathematics proficiency improvement plan required in the Early Learning Program that is submitted by a public school district or a charter school, as required in Subsection 53F-2-503(4) and 53G-7-218.

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

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

(10) "Program money" means the same as that term is defined in Section 53F-2-503.

(11) "Scoring below benchmark" means that a student:

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

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

(12) "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.

(13) "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.

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

R277-406-3. Benchmark Reading and Mathematics Assessments.

(1) Subject to legislative appropriations, and except as provided in Subsection (2), [A]an LEA shall administer the benchmark reading and mathematics assessments in grade 1, grade 2, and grade 3 within the following testing windows:

- (a) the first benchmark before September 30;
- (b) the second benchmark between December 1 and January 31; and
- (c) the third benchmark between the middle of April and June 15.

(2) For the 2020-2021 school year, the Superintendent shall determine the testing and reporting deadlines.

~~[(2)](3)~~ (3) An LEA shall report benchmark reading and mathematics assessment results to the Superintendent by:

- (a) October 30;
- (b) the last day of February; and
- (c) June 30.

~~[(3)](4)~~ (4) If the benchmark reading or mathematics assessment indicates a student is scoring 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 a remediation intervention as required by the Superintendent.

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~~[(4)]~~(5) An LEA shall report benchmark reading and mathematics assessment results to parents of students in grade 1, grade 2, and grade 3 by:

- (a) October 30;
- (b) the last day of February; and
- (c) June 30.

~~[(5)]~~(6) An LEA shall 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 assessment.

~~[(6)]~~(7) An LEA that selects the reading assessment technology shall use the assessment consistent with Board directives.

R277-406-4. Early Learning Plans -- LEA and Superintendent Requirements - Timelines.

(1) Beginning with the 2019-20 school year, to receive program money, an LEA shall submit:

- (a) a plan in accordance with Subsections:
 - (i) 53F-2-503(4); and
 - (iii) 53G-7-218; and
- (b) a plan that contains the components of early mathematics; and
- (b) other required materials within established deadlines.

(2)(a) Any time before July 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 1st by 5:00 p.m. including:

- (a) proof that:
 - (i) the LEA's governing board reviewed and approved the LEA's plan in an open and public meeting; and
 - (ii) the plan has been uploaded to the appropriate system as required by the Superintendent; and

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

(5) 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 has been approved or if modifications to the plan are required.

(6) 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.

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

(8) If an LEA fails to timely resubmit an acceptable plan by October 15, the LEA is not eligible for funding in the current school year.

(9) When reviewing an LEA plan for approval, the Superintendent shall evaluate:

(a) the extent to which the LEA's goals within the plan are ambitious, yet attainable; and

(b) whether the plan uses evidence-based curriculum, materials, and practices, which will support the LEA in meeting its growth goals.

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

R277-406-5. Accountability and Reporting on Early Learning Plans.

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

(2) In accordance with Section 53F-2-503 and 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 reading and mathematics assessment;

(b) sets the literacy target percentage of students in grades 1 through 3 making typical progress or better at a minimum of 60 percent; and

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(c) sets the mathematics target percentage of students in grades 1 through 3 making typical or better progress at a minimum set by the Superintendent beginning in the 2021-2022 school year.

(3) The Superintendent shall use the information provided by an LEA described in Subsection R277-406-4 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) If an LEA does not make sufficient progress toward its plan goals for two consecutive years, as defined in Subsection (5), the LEA shall be in the Board System of Support and required to participate in interventions to improve early literacy, early mathematics, or both.

(5) Accept as provided for in Subsection (6), sufficient progress toward plan goals means the LEA meets:

- (a) the LEA's growth goal, as described in Subsection 53F-2-503(4)(a)(v); and
- (b) at least one of the LEA-designated goals addressing performance gaps, as described in Subsection 53F-2-503(4)(a)(vi).

(6) For the 2020-2021 school year, an LEA shall provide two local goals for literacy and zero local goals for mathematics.

(7) The Superintendent shall establish the strategies, interventions, and techniques for schools that are in the Board System of Support to help schools achieve early learning goals.

KEY: reading, improvement, goals

Date of Enactment or Last Substantive Amendment: July 8, 2020

Notice of Continuation: June 7, 2018

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-521; 53E-4-307; 53E-4-307.5; 53F-2-503(14)(a)