

R277-406 received final approval by the Utah State Board of Education on June 7, 2018. R277-406 is published in the July 1, 2018 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of August 7, 2018.

R277. Education, Administration.

R277-406. ~~[K-3 Reading Improvement]~~ Early Literacy Program and Benchmark Reading Assessment ~~[and the State Reading Goal].~~

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 ~~[53A-1-401(3)] 53E-3-401(4)~~, which allows the Board to make rules in accordance with its responsibilities; ~~and~~
 - (c) Subsection ~~[53A-17a-150] 53F-2-503(14)(a)~~, which directs the Board to develop rules for implementing the ~~[K-3 Reading Improvement]~~ Early Literacy Program; ~~and~~
 - (d) 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.
- (2) The purpose of this rule is to outline the responsibilities of the Superintendent and LEAs for implementation of Section ~~[53A-17a-150,]~~ 53F-2-503 and the Board's administration of Early Literacy in the state, including to: ~~[K-3 Reading Improvement Program, and Section 53A-1-606.5, State Reading Goal-Reading Achievement Plan.]~~
 - (a) set expectations for LEA Early Literacy Plans;
 - (b) establish timelines for LEA Early Literacy Plans;
 - (c) provide definitions and designate assessments required in Section 53E-4-307;
 - (d) provide testing reporting windows, and timelines; and
 - (e) require LEAs to submit student reading assessment data to the Board.

R277-406-2. Definitions.

- (1) "Benchmark reading assessment" means ~~[an]~~ the Dynamic Indicators of Basic Early Literacy Skills or DIBELS assessment that:
 - (a) is given three times each year; ~~[at:~~
 - (i) ~~the beginning of the school year;~~
 - (ii) ~~the midpoint of the school year;~~ and
 - (iii) ~~the end of the school year;]~~

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(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 ~~the~~ an end of year Criterion Referenced Test.

~~[(2) "Grade level in reading" means that a student gains adequate meaning from independently reading texts designed for instruction at that grade level.]~~

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

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

~~[(3)]~~ (4) "[LEA-p] Plan" means the [K-3 Reading Achievement] literacy proficiency improvement plan required in the Early Literacy Program [Plan] that is submitted by a public school district or a charter school, as required in Subsection 53F-2-503(4).

~~[(4) "Midpoint of school year" means January 31 of the school year.~~

~~(5) "Program" means the K-3 Reading Achievement Program.~~

~~(6)]~~ (5) "Program money" means the same as that term is defined in Section [53A-17a-150] 53F-2-503.

(6) "Reading below grade level" means that a student:

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

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

(7) "Reading remediation interventions" means reading instruction or reading activities, or both, given to students in addition to their regular reading 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.

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

~~[(7) "School plan" means the K-3 Reading Achievement Program Plan submitted by a public school or a charter school.]~~

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R277-406-3. Benchmark Reading Assessments

(1) An LEA shall administer the benchmark reading 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) An LEA shall report benchmark reading assessment results to the Superintendent by:

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

(3) If the benchmark reading assessment indicates a student is reading below grade level, the LEA shall implement the parental notification requirements and evidence-based reading remediation interventions described in Section 53E-4-307.

(4) An LEA shall report benchmark reading 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) An LEA shall submit to UTREx the following information from the benchmark reading assessment:

- (a) whether or not each student received reading intervention;
- (b) UTREx Special Codes related to the benchmark reading assessment; and
- (c) for an LEA not using a state-approved vendor for the benchmark reading

assessment:

- (i) whether or not each student is reading on or above benchmark at each administration of the assessment; and
- (ii) the composite score for each student at each administration of the assessment

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

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R277-406-[3]4. [Board/Superintendent Responsibilities.] Early Literacy Plans – LEA and Superintendent Requirements - Timelines.

~~[(1) The Board shall approve a program plan submitted by an LEA pursuant to Subsection R277-406-4(1).]~~

(1) To receive program money, an LEA shall submit:

(a) a plan in accordance with Subsection 53F-2-503(4); and

(b) other required materials within established deadlines.

(2) For the 2018-19 school year:

(a)(i) any time before August 15, an LEA may submit its plan to the Superintendent for pre-approval; and

(ii) 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;

(b) after its plan is approved by its local board, an LEA shall submit a final plan to the Superintendent by no later than October 1;

(c) 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; and

(d)(i) if the Superintendent does not approve the LEA's plan, the LEA shall incorporate needed changes or provisions and resubmit the amended plan by December 1; and

(ii) the Superintendent shall approve a resubmitted plan that incorporated the requested changes by December 15.

(3) For the 2019-20 school year and subsequent school years:

(a)(i) any time before June 15, an LEA may submit its plan to the Superintendent for pre-approval; and

(ii) 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;

(b) after its plan is approved by its local board, an LEA shall submit a final plan to the Superintendent by no later than August 1;

(c) 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;

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and

(d)(i) if the Superintendent does not approve the LEA's plan, the LEA shall incorporate needed changes or provisions and resubmit the amended plan by October 1;

and

(ii) the Superintendent shall approve a resubmitted plan that incorporated the requested changes by October 15.

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

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

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

(5) All LEA plans shall be reported to the Superintendent using a digital reporting platform.

R277-406-5. Accountability and Reporting on Early Literacy 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 ~~[53A-17a-150]~~ 53F-2-503, ~~[the uniform standard for]~~ a growth goal ~~[is that the goal]~~ in an LEA's plan:

(a) ~~[signifies]~~ is calculated using the percentage of ~~[third-grade]~~ 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, ~~[in third grade]~~ as measured by the benchmark assessment; and

(b) sets the target percentage of ~~[third graders]~~ students in grades 1 through 3 making typical progress or better at ~~[47.83]~~ a minimum of 60 percent.

(3) The Superintendent shall use the information provided by an LEA described in Subsection R277-406-4~~[(3)]~~ 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.

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(4) If an LEA does not make sufficient progress toward its plan goals, 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.

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

~~[R277-406-4. Responsibilities of LEAs.~~

~~—— (1) To receive Program money, a school with K-3 grade levels shall submit a school plan to its local board or charter board, and each LEA shall submit an LEA plan to the Board for reading proficiency improvement that incorporates the components described in 53A-1-606.5(3)(d) and 53A-17a-150(4)(a).~~

~~—— (2) The school plan shall be created:~~

~~—— (a) for a school in a district, under the direction of the school community council;~~

~~—— (b) for a charter school, under the direction of the charter school governing board.~~

~~(3)(a) An LEA shall complete the report required by 53A-17a-150(13)(a) and 53A-17a-150(14)(b)(i) within timelines set by the Superintendent.~~

~~—— (b) The report shall include:~~

~~—— (i) the information described in 53A-17a-150(16)(a) for kindergarten, first grade, second grade, and third grade, including information from the previous five years; and~~

~~—— (ii) the composite scores on the benchmark assessment of students in grades 1 through 3 to the Superintendent:~~

~~—— (A) through UTREx; and~~

~~—— (B) on or before July 1 of each year.~~

~~(4) An LEA that loses Program money due to a failure to meet its goal of increasing the percentage of third grade students at grade level may reapply for the Program money upon submission of a revised K-3 Reading Achievement Plan after one year of not receiving Program money.]~~

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Notice of Continuation: June 10, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; ~~[53A-1-401(3)]~~

Subsection 53E-3-401(4); ~~[53A-17a-150]~~ Subsection 53F-2-503(14)(a)