

R277-406 received final approval by the Utah State Board of Education on April 4, 2019. R277-406 is published in the May 1, 2019 Utah State Bulletin, subject to a 30-day comment period, with an effective date of July 2, 2019.

R277. Education, Administration.

R277-406. Early Literacy Program and Benchmark Reading Assessment.

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 ~~[in accordance with its responsibilities]~~ 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 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 53F-2-503 and the Board's administration of Early Literacy in the state, including to:

(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 the ~~[Dynamic Indicators of Basic Early Literacy Skills or DIBELS]~~ Acadience Reading assessment that:

(a) is given three times each year;(b) gives teachers information to:

(i) plan appropriate instruction; and

(ii) evaluate the effects of instruction; and

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(c) provides data about the extent to which students are prepared to be successful on an end of year [G]criterion [R]referenced [F]test.

(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.

(4) "Plan" means the literacy proficiency improvement plan required in the Early Literacy Program that is submitted by a public school district or a charter school, as required in Subsection 53F-2-503(4).

(5) "Program money" means the same as that term is defined in Section 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.

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.

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(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; and
- (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.

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

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

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(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)](2)(a) [a] Any time before [June 15] July 1, an LEA may submit its plan to the Superintendent for pre-approval; and~~

~~[(ii)b] [f] 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)3] [after its plan is approved by its local board,] [a] An LEA shall submit a final plan to the Superintendent by no later than August 15;~~

(4) Notwithstanding Subsection (3), by September 1 an LEA shall provide to the Superintendent:

(a) proof that the LEA's governing board reviewed and approved the LEA's plan in an open meeting; 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.

~~(c)~~(5) ~~(w)~~(w) 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~~;~~and.

~~(d)~~(i)~~(6)~~ (i) If the Superintendent does not approve ~~(the)~~ an LEA's plan, the LEA ~~(shall)~~ may, by October 15:

(a) incorporate needed changes or provisions; ~~(and)~~

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

(c) resubmit the amended plan ~~[by October 1]; and~~

~~(ii)~~(7) If an LEA timely resubmits a plan that includes the required modifications, the Superintendent shall approve ~~[a resubmitted]~~ the plan ~~[that incorporated the requested changes]~~ by ~~[October 15]~~ November 1.

(8) If an LEA fails to timely resubmit an acceptable plan by November 1, the LEA is not eligible for funding in the current school year.

~~(4)~~(9) 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 whether the plan uses evidence-based curriculum, materials, and practices, which will support the LEA in meeting its growth goals.

~~(5)~~(10) 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 53F-2-503, 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 assessment; and

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

(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, 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.

KEY: reading, improvement, goals

Date of Enactment or Last Substantive Amendment: October 8, 2015

Notice of Continuation: June 10, 2013

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