

R277-489 received final approval by the Utah State Board of Education on April 7, 2022. R277-489 was published in the May 1, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of June 7, 2022.

R277. Education, Administration.

R277-489. Kindergarten [~~Entry and Exit~~]Programs and Assessment[~~— 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 enhanced kindergarten program~~]OEK and FDK to LEAs that apply for the funds.

(2) The purpose of this rule is to:

_____ (a) require LEAs to administer a kindergarten entry and exit assessment; and

_____ (b) establish criteria and procedures to administer the optional enhanced kindergarten program and full-day kindergarten.

R277-489-2. Definitions.

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

~~_____~~ (a) as additional hours before or after school;

~~_____~~ (b) full day; or

~~_____~~ (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 enhanced kindergarten program plan submitted by an LEA and approved and accepted for funding by the Superintendent.]

_____ (1) "Efforts to expand FDK statewide" means an LEA's readiness to expand to additional FDK classrooms.

_____ (2) "FDK" or "full-day kindergarten" means a kindergarten day where the schedule is equivalent in length to grades 1 through 3.

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(3) "Geography" means the classification of the county in which the LEA is located, with priority to counties in this order:

- (a) sixth class county;
- (b) fifth class county;
- (c) fourth class county;
- (d) third class county;
- (e) second class county; and
- (f) first class county.

(4) "LEA's receipt of ongoing federal funding" means the amount of ongoing Title I funding used by an LEA to fund FDK.

(5) "Optional enhanced kindergarten program" or "OEK" means a program that provides additional instruction to kindergarten age students.

(6) "Socioeconomic need" means an LEA's percentage of students eligible for free and reduced lunch, with priority to an LEA with a greater percentage of eligible students.

(7) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically between public education LEAs and the Board, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

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

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

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

~~—(i)]during the three weeks before through the three weeks after the first day of kindergarten; and~~

~~[(ii) three weeks after the first day of 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.

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(2) An LEA ~~[charter school that does not participate in the 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 ~~[.]~~ if the LEA does not participate in:

- (a) the optional enhanced kindergarten program;
- (b) full-day kindergarten; or
- (c) the Early Interactive Reading Software Program described in Rule R277-496.

(3) The days used for the assessment shall be consistent with Subsection R277-419-~~[11(3)(e)]~~ 5(6)(d).

(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 analysis of early learning initiatives;
- (e) identify effective instructional practices or strategies for improving student achievement outcomes in a targeted manner; and

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(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. Optional Enhanced Kindergarten Program.

(1) The Superintendent shall accept applications from LEAs for ~~enhanced kindergarten~~ OEK 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 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) extra hours; or

(iii) other means.

(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; and

(g) other information as requested by the Superintendent ~~and approved by the Board~~.

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(4) An LEA shall submit the appropriate kindergarten UTREx code to the Superintendent through UTREx by June 15 annually.

~~(4)5~~ 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)6~~ 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)7~~ The Superintendent shall establish timelines for distribution of the optional 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 enhanced kindergarten program.]~~governing board shall use OEK program money for optional 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.

~~[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.]~~

R277-489-6. Full-Day Kindergarten.

_____ (1) The Superintendent shall establish deadlines for an LEA to submit an application for FDK funds.

_____ (2) An LEA application shall include:

_____ (a) the amount of Title I funds currently dedicated to fund FDK;

_____ (b) the number of new FDK classrooms the LEA proposes to fund; and

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_____ (c) other information requested by the Superintendent.

_____ (3) An LEA shall submit the appropriate kindergarten UTREx code to the Superintendent through UTREx by June 15 annually.

_____ (4) The Superintendent shall distribute funds appropriated for FDK consistent with Subsection 53G-7-203(5), giving priority to LEAs with greatest need in the following order:

_____ (a) socioeconomic need;

_____ (b) geography;

_____ (c) efforts to expand full-day kindergarten; and

_____ (d) receipt of on-going federal funding.

_____ (5) If an LEA's current annual combined allocation for kindergarten students exceeds an amount equal to what the LEA would receive if the LEA were funded from the kindergarten basic school program at a full WPU based on the LEA's number of kindergarten students, the LEA may not receive additional FDK funds.

_____ (6) The Superintendent shall establish timelines for distribution of FDK funds;

_____ (7) An LEA governing board shall use FDK money to fund salary and benefits of full-day kindergarten teachers.

KEY: enhanced kindergarten

Date of Last Change: 2022[~~July 9, 2020~~]

Notice of Continuation: January 13, 2022

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