

1 **R277. Education, Administration.**

2 **R277-489. Kindergarten [~~Entry and Exit~~] Programs and Assessment [~~Enhanced~~**  
3 **~~Kindergarten Program~~].**

4 **R277-489-1. Authority and Purpose.**

5 (1) This rule is authorized by:

6 (a) Utah Constitution Article X, Section 3, which vests general control and  
7 supervision over public education in the Board;

8 (b) Subsection [53E-3-401](#)(4), which permits the Board to make rules to execute  
9 the Board's duties and responsibilities under the Utah constitution and state law; and

10 (c) Section [53F-2-507](#), which directs the Board to distribute funds appropriated for  
11 [~~the enhanced kindergarten program~~] OEK and FDK to LEAs that apply for the funds.

12 (2) The purpose of this rule is to:

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

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

16  
17 **R277-489-2. Definitions.**

18 [~~(1) "Enhanced Kindergarten Program" means a program that provides additional~~  
19 ~~instruction to kindergarten age students.]~~

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

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

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

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

- 28 \_\_\_\_\_ (a) sixth class county;  
29 \_\_\_\_\_ (b) fifth class county;  
30 \_\_\_\_\_ (c) fourth class county;  
31 \_\_\_\_\_ (d) third class county;  
32 \_\_\_\_\_ (e) second class county; and  
33 \_\_\_\_\_ (f) first class county.

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

36 ~~[(3) "Optional Enhanced Kindergarten plan" or "LEA plan" means the enhanced-~~  
37 ~~kindergarten program plan submitted by an LEA and approved and accepted for funding~~  
38 ~~by the Superintendent.~~

39 ~~(4) "Kindergarten System of Support" means interventions to improve kindergarten~~  
40 ~~literacy outcomes, numeracy outcomes, or both.]~~

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

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

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

50

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

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

53 (a) a kindergarten entry assessment, approved by the Superintendent, to each  
54 kindergarten student sometime during the three weeks before through the three weeks  
55 after the first day of kindergarten; and

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

58 (2) An LEA ~~[that does not participate in the enhanced kindergarten program or the-~~

59 ~~Early Interactive Reading Software Program described in Rule R277-496]~~ is not required  
60 to administer the kindergarten entry and exit assessments if the LEA does not participate  
61 in:[]

62 (a) the optional enhanced kindergarten program;

63 (b) full-day kindergarten; or

64 (c) the Early Interactive Reading Software Program described in Rule R277-496.

65 (3) The days used for the assessment shall be consistent with Subsection [R277-](#)  
66 [419-5\(6\)\(d\)](#).

67 (4) An LEA shall submit to the Data Gateway:

68 (a) kindergarten entry assessment data by September 30; and

69 (b) kindergarten exit assessment data by June 15.

70 (5) In accordance with Section [R277-114](#), the Superintendent may recommend  
71 action to the Board, including withholding of funds, if an LEA fails to provide complete,  
72 accurate, and timely reporting under Subsection (4).

73

#### 74 **R277-489-4. Use of Kindergarten Entry and Exit Assessment Data.**

75 (1) The Superintendent or an LEA may use entry and exit assessment data  
76 obtained in accordance with Section R277-489-3 to:

77 (a) provide insights into current levels of academic performance upon entry and  
78 exit of kindergarten;

79 (b) identify students in need of early intervention instruction and promote  
80 differentiated instruction for all students;

81 (c) understand the effectiveness of programs, such as extended-day kindergarten  
82 and preschool;

83 (d) provide opportunities for data-informed decision making and cost-benefit  
84 analysis of early learning initiatives;

85 (e) identify effective instructional practices or strategies for improving student  
86 achievement outcomes in a targeted manner; and

87 (f) understand the influence and impact of full-day kindergarten on at-risk students  
88 in both the short- and long-term.

89 (2) An LEA may not use entry and exit assessment data obtained in accordance

90 with Section R277-489-3 to:

91 (a) justify early enrollment of a student who is not currently eligible to enroll in  
92 kindergarten, such as a student with a birthday falling after September 1;

93 (b) evaluate an educator's teaching performance; or

94 (c) determine whether a student should be retained or promoted between grades.

95

96 **R277-489-5. Optional Enhanced Kindergarten Program.**

97 (1) The Superintendent shall accept applications from LEAs for [~~enhanced-~~  
98 kindergarten] OEK programs that satisfy the requirements of Section [53F-2-507](#), and the  
99 provisions of this rule.

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

101 (3) An LEA application for the optional enhanced kindergarten program funds  
102 shall include:

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

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

106 (i) full-day kindergarten;

107 (ii) additional hours; or

108 (iii) other means.

109 (c) a description of the evidence-based early intervention model used by the LEA;

110 (d) a description of how the program focuses on age-appropriate literacy and  
111 numeracy skills;

112 (e) a description of how the program targets at-risk students; and

113 (f) other information as requested by the Superintendent.

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

116 (5) The Superintendent shall distribute funds to eligible charter schools based on  
117 a formula identifying the percentage of students in public schools and the percentage of  
118 students with the greatest need for an enhanced kindergarten program consistent with  
119 Subsection [53F-2-507](#)(4)(a).

120 (6) The Superintendent shall distribute funds to eligible school districts by

121 determining the number of students eligible to receive free lunch in the prior school year  
122 for each school district and prorating the remaining funds based on the number of  
123 students eligible to receive free lunch in each school district.

124 (7) The Superintendent shall establish timelines for distribution of the optional  
125 enhanced kindergarten program funds.

126 [~~(8) An LEA may not require a student to participate in an enhanced kindergarten~~  
127 ~~program.]~~

128 **~~[R277-489-6 Eligibility for Enhanced Kindergarten Programs Grant Funds--Use of~~**  
129 **~~Funds.~~**

130 ~~————(1)(a) The Superintendent shall review data gathered from previous year~~  
131 ~~kindergarten entry and exit assessments to determine an LEA's ongoing eligibility for~~  
132 ~~enhanced kindergarten program grant funds.~~

133 ~~————(b) The Superintendent shall calculate individual student performance on the~~  
134 ~~kindergarten entry and exit assessment and then average school level results to~~  
135 ~~determine whether a participating school meets the cut score.~~

136 ~~————(2) An eligible LEA shall have 75% of its participating schools achieve a school-~~  
137 ~~level cut score of meets expectations, which includes the school level average progress~~  
138 ~~score in literacy and numeracy.~~

139 ~~————(3) If an eligible LEA does not meet performance measures, as defined in~~  
140 ~~Subsection (2), the Superintendent shall require the LEA to participate in the Kindergarten~~  
141 ~~System of Support to improve outcomes.~~

142 ~~————(4) The Superintendent shall establish the strategies, interventions, and~~  
143 ~~techniques for LEAs that are in the Kindergarten System of Support to help schools~~  
144 ~~achieve performance outcomes on the kindergarten entry and exit assessment.]~~

145 (8) An LEA governing board shall use OEK program money for optional enhanced  
146 kindergarten programs and supports that have proven to significantly increase the  
147 percentage of students who are proficient in literacy and mathematics, including:

148 (a) salary and benefits for individuals teaching and supporting enhanced  
149 kindergarten programs; and

150 (b) evidence-based intervention curriculum.

151

152 **R277-489-6. Full-Day Kindergarten.**

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

155 (2) An LEA application shall include:

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

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

158 (c) other information requested by the Superintendent.

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

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

163 (a) socioeconomic need;

164 (b) geography;

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

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

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

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

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

174

175 **KEY: enhanced kindergarten**

176 **Date of Enactment or Last Substantive Amendment:**

177 **Notice of Continuation:**

178 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53E-3-401\(4\)](#); [53F-2-](#)**  
179 **[507](#)**