

R277-496 received final approval by the Utah State Board of Education on September 8, 2022. R277-496 was published in the October 1, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of November 7, 2022.

R277. Education, Administration.

R277-496. K-3 Reading Software Licenses.

R277-496-1. 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; and

(c) Subsection 53F-4-203(2), which directs the Board to distribute software licenses for the early interactive reading software program to LEAs that apply for the licenses.

(2) The purpose of this rule is to establish criteria and procedures to administer the K-3 reading software program.

R277-496-2. Definitions.

(1) "Aggregate student population" means the total number of students within a school who are using a technology provider's early interactive reading software licenses.

(2) "Dosage" means amount of instruction time.

(3) "Early interactive reading software" or "K-3 reading software license" means technology tools and software that adjust the presentation of educational material according to a student's weaknesses and strengths, as indicated by the student's responses to questions.

(4) "Personalized fidelity" means local measures for fidelity to a software product based on three or more data points that demonstrate successful student outcomes at or above the level of student outcomes achieved by the technology provider's dosage recommendations.

(5) "Use early interactive reading software in accordance with a technology provider's dosage recommendations" means when at least 80% of the aggregate student population of a school, by provider:

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- (a) uses a technology provider's K-3 reading software for at least 80% of:
 - (i) the minimum number of weeks of use recommended by the technology provider for the K-3 reading software program;
 - (ii) the average number of minutes of use recommended by the technology provider for the K-3 reading software program or
- (b) demonstrates personalized fidelity per programmatic requirements.

R277-496-3. K-3 Reading Software Licenses.

(1)(a) The Superintendent shall select one or more technology providers through an RFP to provide early interactive reading software for students in kindergarten through grade 3.

(b) A provider identified by the Superintendent under Subsection (1)(a) shall use evidence-informed core materials and evidence-based instructional practices and intervention materials.

(c) The Superintendent may define standards for evidence consistent with Subsections 53G-11-303(1)(a) and (b).

(2) A school may apply for early interactive reading software for students in kindergarten through grade 3.

(3) The Superintendent shall accept applications from LEAs for early interactive reading software licenses that satisfy the requirements of Section 53F-4-203 and the provisions of this rule.

(4) If the number of requests for K-3 reading software licenses exceeds the number of licenses available, the Superintendent shall give priority to:

- (a) requests for licenses to be used in Kindergarten or grade 1; or
- (b) a school that:
 - (i) received a K-3 reading license in a previous school year; and
 - (ii) used the K-3 reading license in accordance with the technology provider's dosage recommendations.

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

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(6) A school may not require a student to participate in the K-3 reading software license program.

R277-496-4. School Probationary Re-entry Into the Program.

(1) If a school does not use the early interactive reading software licenses in accordance with the technology provider's dosage recommendations, the school may not receive K-3 reading software licenses for one year.

(2) A school described in Subsection (1) may reapply to re-enter the program on a probationary basis and receive K-3 reading software licenses if the school meets the probation requirements of this Section R277-496-4.

(3) A school is on probation if the school:

(a) previously received K-3 reading software licenses;

(b) lost eligibility to participate in the program, which includes failure to use the early interactive software per the technology provider's dosage recommendations for two consecutive years; and

(c) receives K-3 reading software licenses after re-entering the program.

(4)(a) The school principal, instructional leaders, and teachers of a school on probation shall engage in all of the available technology provider support structures and interventions for probationary software programs, including:

(i) data dives;

(ii) professional learning; and

(iii) usage and fidelity updates.

(b) A technology provider shall establish the specific support structure requirements and interventions described in Subsection (4)(a) for the technology provider's software program.

(5) If a technology provider does not offer support structure requirements and interventions as described in Subsection (4), the Superintendent may not make the technology provider's software available for a school that is on probation.

(6) If a school on probation does not use the early interactive reading software licenses in accordance with a technology provider's dosage recommendations during

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the probationary year, the school may not receive an early interactive reading license for the following year unless the school on probation pays for 50% of the costs of the K-3 reading license software license.

R277-496-5. Reporting.

(1) An LEA that receives K-3 reading software licenses shall provide information that is requested by the Superintendent or external evaluator selected by the Board in conducting the evaluation required in Subsections 53F-4-203(3) and (4).

(2) The Superintendent may recommend action to the Board, including withholding of funds, in accordance with Rule R277-114 for an LEA that fails to provide complete, accurate, and timely reporting as required by this rule.

KEY: reading, software, licenses

Date of Last Change: 2022~~[December 10, 2018]~~

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-4-203