

1 **R277. Education, Administration.**

2 **R277-489. Kindergarten Entry and Exit Assessment – [Early**
3 **Intervention]Enhanced 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 ~~[early intervention]~~enhanced kindergarten program to LEAs that apply for the funds.

12 (2) The purpose of this rule is to require LEAs to administer a kindergarten entry
13 and exit assessment and establish criteria and procedures to administer the ~~[early~~
14 ~~intervention]~~enhanced kindergarten program.

15

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

17 (1) "~~[Early intervention]~~Enhanced Kindergarten program" means a program that
18 provides additional instruction to kindergarten age students:

19 (a) as ~~[an extended period]~~additional hours before or after school~~;~~;

20 (b) full day~~[on Saturdays, or during the summer];~~ or

21 ~~([b]c)~~ through other means.

22 (2) "Enrollment" means class enrollment of not more than the student enrollment
23 of other kindergarten classes within the school.

24 (3) "LEA plan" means the ~~[early intervention]~~enhanced kindergarten program plan
25 submitted by an LEA and approved and accepted for funding by the Superintendent.

26

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

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

29 (a) a kindergarten entry assessment, approved by the Superintendent, to each

30 kindergarten student sometime within:

31 (i) three weeks before the first day of ~~[school]~~kindergarten; and

32 (ii) three weeks after the first day of ~~[school]~~kindergarten; and

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

35 (2) A charter school that does not participate in the ~~[Early Intervention-P]~~enhanced
36 kindergarten program or the K-3 Reading Software Program described in [R277-496](#) is not
37 required to administer the kindergarten entry and exit assessments.

38 (3) The days used for the assessment shall be consistent with Subsection
39 [R277-419](#)-11(3)(e).

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

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

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

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

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

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

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

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

54 (c) understand the effectiveness of programs, such as extended-day kindergarten
55 and pre-school;

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

58 (e) identify effective instructional practices or strategies for improving student

59 achievement outcomes in a targeted manner; and

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

62 (2) An LEA may not use entry and exit assessment data obtained in accordance
63 with Section R277-489-3 to:

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

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

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

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69 **R277-489-5. ~~[Early Intervention]~~Enhanced Kindergarten Program.**

70 (1) The Superintendent shall accept applications from LEAs for [~~early~~
71 ~~intervention]~~enhanced kindergarten programs [~~delivered through enhanced kindergarten~~
72 ~~programs~~] that satisfy the requirements of Section 53F-2-507 and the provisions of this
73 rule.

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

75 (3) An LEA application for [~~early intervention]~~enhanced kindergarten program
76 funds shall include:

77 (a) the names of schools for which program funds must be used;

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

80 (i) full-day kindergarten;

81 [~~(ii) two half days;~~]

82 (ii[i]) extra hours; or

83 [~~(iv) a summer program; or~~

84 (~~v~~iii) other means[;].

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

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

- 88 (e) a description of how the program targets at-risk students;[
89 ~~(f) a description of the assessment procedures and tools to be used by~~
90 ~~participating schools within the LEA;]~~ and
91 (g) other information as requested by the Superintendent and approved by the
92 Board.

93 (4) The Superintendent shall distribute funds to eligible charter schools based on a
94 formula identifying the percentage of students in public schools and the percentage of
95 students with the greatest need for an enhanced kindergarten program consistent with
96 Subsection 53F-2-507(4)(a).

97 (5) The Superintendent shall distribute funds to eligible school districts by
98 determining the number of students eligible to receive free lunch in the prior school year
99 for each school district and prorating the remaining funds based on the number of students
100 eligible to receive free lunch in each school district.

101 (6) The Superintendent shall establish timelines for distribution of [~~early~~
102 ~~intervention~~]enhanced kindergarten program funds.

103 (7) The Superintendent shall require all funded programs to submit an annual
104 report.

105 (8) An LEA may not require a student to participate in an [~~early~~
106 ~~intervention~~]enhanced kindergarten program.

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108 **R277-489-6 Eligibility for Enhanced Kindergarten Programs Grant Funds—Use of**
109 **Funds.**

110 (1) The Superintendent shall review data gathered from previous year kindergarten
111 entry and exit assessments to determine the following performance measures:

112 (a) average percentage of students state-wide with increases in literacy scores;

113 (b) average percentage of students state-wide with increases in numeracy scores;

114 (c) average percentage of students state-wide with decreases in literacy scores;

115 (d) average percentage of students state-wide with decreases in numeracy scores;

116 (2)(a) An eligible LEA that received program funds for the current school year may

117 reapply to receive program funds for the next school year if 50% of the participating LEA's
118 schools performed better than the state average in at least three of the four performance
119 measures outlined in Subsection (1);

120 (b) If an LEA does not meet performance measures, as defined in Subsection
121 (2)(a), the LEA shall be in the enhanced kindergarten system of support and required to
122 participate in interventions to improve outcomes.

123 (c) An eligible LEA that does not meet the performance standards outlined in
124 Subsection (2)(a) for three consecutive years will have funding reduced to exclude failing
125 programs.

126 (3) The Superintendent shall establish the strategies, interventions, and techniques
127 for LEAs that are in the enhanced kindergarten system of support to help schools achieve
128 performance outcomes on the KEEP assessment.

129 (4) An LEA governing board shall use program money for enhanced kindergarten
130 programs and supports that have proven to significantly increase the percentage of
131 students who are proficient in literacy and mathematics, including:

132 (a) salary and benefits for individuals teaching and supporting enhanced
133 kindergarten programs; and

134 (b) evidence-based intervention curriculum.

135
136 **KEY: [~~early intervention~~]enhanced kindergarten**

137 **Date of Enactment or Last Substantive Amendment: September 21, 2017**

138 **Notice of Continuation: June 6, 2017**

139 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#);**
140 **53F-2-507**

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