

1 **R277. Education, Administration.**

2 **R277-406. Early Learning Program and Benchmark Assessments**

3 **R277-406-1. Authority and Purpose.**

4 (1) This rule is authorized by:

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

7 (b) Subsection 53E-3-4014), which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Subsection 53F-2-50314)(a), which directs the Board to develop rules for
10 implementing the Early Learning Program;

11 (d) Section 53E-3-521, which requires the board to define the components of the
12 early mathematics plan and establish a state-wide target using data from the
13 mathematics benchmark assessment; and

14 (e) Section 53E-4-307, which requires the Board to approve a benchmark
15 assessment for statewide use to assess the reading and mathematics competency of
16 students in grades one, two, and three.

17 (2) The purpose of this rule is to outline the responsibilities of the Superintendent
18 and LEAs for implementation of Section 53F-2-503 and the Board's administration of
19 Early Learning in the state, including to:

20 (a) set expectations for LEA Early Learning Plans;

21 (b) establish timelines for LEA Early Learning Plans;

22 (c) provide definitions and designate assessments required in Section 53E-4-307
23 and 53E-4-307.5;

24 (d) provide testing reporting windows, and timelines; and

25 (e) require LEAs to submit student reading and mathematics assessment data to
26 the Board.

27
28 **R277-406-2. Definitions.**

29 (1) "Benchmark reading assessment" means the Acadience Reading assessment
30 that:

31 (a) is given three times each year;

32 (b) gives teachers information to:

33 (i) plan appropriate instruction; and

34 (ii) evaluate the effects of instruction; and

35 (c) provides data about student preparation for success on an end of year criterion
36 referenced test.

37 (2) "Benchmark mathematics assessment" means the Acadience Math
38 assessment that:

39 (a) is given three times each year;

40 (b) gives teachers information to:

41 (i) plan appropriate instruction; and

42 (ii) evaluate the effects of instruction; and

43 (c) provides data about student preparation for success on an end of year criterion

44 referenced test.

45 (3) "Components of early mathematics" means the key areas of mathematical
46 learning including:

47 (a) conceptual understanding;

48 (b) procedural fluency;

49 (c) strategic and adaptive mathematical thinking; and

50 (d) productive disposition.

51 (4) "Conceptual understanding" means the comprehension and connection of
52 concepts, operations, and relations.

53 (5) "Evidence-based" means a strategy that has demonstrated a statistically
54 significant effect on improving student outcomes.

55 (6) "Parental notification requirements" means notice by any reasonable means,
56 including electronic notice, notice by telephone, written notice, or personal notice.

57 (7) "Plan" means the early learning plan described in Section [53G-7-218](#).

58 (8) "Procedural fluency" means the meaningful, flexible, accurate, and efficient
59 use of procedures to solve problems.

60 (9) "Productive disposition" means the attitude of a student who sees mathematics
61 as useful and worthwhile while exercising a steady effort to learn mathematics.

62 (10) "Program money" means the same as that term is defined in Section [53F-2-](#)
63 [503](#).

64 (11) "Scoring below or well below benchmark" means that a student:

65 (a) performs below or well below the benchmark score on the benchmark reading
66 or benchmark mathematics assessment; and

67 (b) requires additional instruction beyond that provided to typically-developing
68 peers in order to close the gap between the student's current level of achievement and
69 that expected of all students in that grade.

70 (12) "Remediation interventions" means reading or mathematics instruction or
71 activities, or both, given to students in addition to their regular instruction, during another
72 time in the school day, outside regular instructional time, or in the summer, which is
73 focused on specific needs as identified by reliable and valid assessments.

74 (13) "Strategic and adaptive mathematical thinking" means the ability to formulate,
75 represent, and solve mathematical problems with the capacity to justify the logic used to
76 arrive at the solution.

77 (14) "Utah eTranscript and Record Exchange" or "UTREx" means the same as
78 that term is defined in Section R277-404-2.

79

80 **R277-406-3. Benchmark Reading and Mathematics Assessments.**

81 (1) Subject to legislative appropriations, and except as provided in Subsection (2),
82 an LEA shall administer the benchmark reading and mathematics assessments in grade
83 1, grade 2, and grade 3 annually within the following testing windows:

84 (a) the first benchmark between the first day of school and September 30;

85 (b) the second benchmark between December 1 and January 31; and

86 (c) the third benchmark between April 15 and June 15.

87 (2) An LEA shall annually report benchmark reading and mathematics
88 assessment results to the Superintendent by:

89 (a) October 30;

- 90 (b) February 28; and
91 (c) June 30.

92 (3) If the benchmark reading or mathematics assessment indicates a student is
93 scoring below or well below benchmark:

94 (a) for reading, the LEA shall implement the parental notification requirements and
95 evidence-based reading remediation interventions described in Section [53E-4-307](#);

96 (b) for mathematics, the LEA shall implement parental notification requirements
97 similar to those described for reading in Subsection (4)(a) and evidence-based reading
98 remediation interventions.

99 (4) An LEA shall report benchmark reading and mathematics assessment results
100 annually to parents of students in grade 1, grade 2, and grade 3 by:

101 (a) October 30;

102 (b) February 28; and

103 (c) June 30.

104 (5) An LEA shall annually submit to UTREx the following information from the
105 benchmark reading and mathematics assessment:

106 (a) whether or not each student received remediation intervention; and

107 (b) UTREx Special Codes related to the benchmark reading and mathematics
108 assessment.

109 (6) Notwithstanding this R277-406-3, for the 2021-22 and 2022-23 school years, in
110 response to circumstances resulting from the Covid-19 pandemic, the Superintendent
111 may:

112 (a) waive testing and reporting deadlines established in this section; and

113 (b) determine alternate testing and reporting deadlines.

114

115 **R277-406-4. Early Learning Plans -- LEA and Superintendent Requirements -**
116 **Timelines.**

117 (1) To receive program money, an LEA shall submit:

118 (a) a plan in accordance with Subsections:

119 (i) [53F-2-503\(4\)](#); and

120 (iii) [53G-7-218](#); and

121 (b) a plan that contains the components of early mathematics; and

122 (b) other required materials within established deadlines.

123 (2)(a) Any time before August 1, an LEA may submit its plan to the

124 Superintendent for pre-approval; and

125 (b) For each LEA that submits a plan for pre-approval, the Superintendent shall
126 provide feedback in preparation for the LEA submitting the plan to its local board;

127 (3) An LEA shall submit a final plan to the Superintendent no later than September
128 1 by 5:00 p.m. including:

129 (a) documentation that:

130 (i) the LEA's governing board reviewed and approved the LEA's plan in an open
131 and public meeting; and

132 (ii) the plan was uploaded to the appropriate system as required by the
133 Superintendent; and

134 (b) if necessary, a revised plan reflecting changes made to the LEA's plan by the
135 LEA's governing board.

136 (4) Within three weeks of an LEA submitting a final, local board-approved plan to
137 the Superintendent, the Superintendent shall notify the LEA if the plan was approved or if
138 modifications to the plan are required.

139 (5) If the Superintendent does not approve an LEA's plan, the LEA may, by
140 October 15:

141 (a) incorporate needed changes or provisions;

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

143 (c) resubmit the amended plan in accordance with Subsection (3)(a) of this part.

144 (6) If an LEA timely resubmits a plan that includes the required modifications, the
145 Superintendent shall approve the plan by November 1.

146 (7) If an LEA fails to timely resubmit an acceptable plan by October 15, the LEA is
147 not eligible for funding in the current school year.

148 (8) When reviewing an LEA plan for approval, the Superintendent shall evaluate:

149 (a) the extent to which the LEA's goals within the plan are ambitious, yet
150 attainable; and

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

153 (9) An LEA's goals, as outlined in the LEA's plan, shall be reported to the
154 Superintendent using a digital reporting platform.

155

156 **R277-406-5. Accountability and Reporting on Early Learning Plans.**

157 (1) An LEA shall annually report progress toward the goals outlined in the LEA's
158 plan to the Superintendent by June 30.

159 (2) In accordance with Section [53F-2-503](#) and [53G-7-218](#), a growth goal in an
160 LEA's plan:

161 (a) is calculated using the percentage of students in an LEA's grades 1 through 3
162 who made typical, above typical, or well-above typical progress from the beginning of the
163 year to the end of the year, as measured by the benchmark reading and mathematics
164 assessment;

165 (b) sets the literacy target percentage of students in grades 1 through 3 making
166 typical or better progress at a minimum of 60%; and

167 (c) sets the mathematics target percentage of students in grades 1 through 3
168 making typical or better progress at a minimum of 60% beginning in the 2021-2022
169 school year.

170 (3) The Superintendent shall use the information provided by an LEA described in
171 Subsection R277-406-4 to determine the progress of each student in grades 1 through 3
172 within the following categories:

173 (i) well-above typical;

174 (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 for two
consecutive years, as defined in Subsection (5), the Superintendent shall assign the LEA
to the Early Learning System of Support and require the LEA to participate in
interventions to improve early literacy, early mathematics, or both.

(5) Accept as provided for in Subsection (6), consistent with Section 53G-7-218,
sufficient progress toward plan goals means the LEA meets:

- (a) the state’s growth goals for literacy and math; and
- (b) at least one of the LEA-designated goals addressing performance gaps.

(6) The Superintendent shall establish the strategies, interventions, and techniques for schools that are part of the Early Learning System of Support to assist schools to achieve early learning goals.

KEY: reading, improvement, goals

Date of Enactment or Last Substantive Amendment:

Notice of Continuation:

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-521; 53E-4-307; 53E-4-307.5; 53F-2-503(14)(a)