

1 **R277. Education, Administration.**

2 **R277-406. [~~K-3 Reading Improvement~~] Early Literacy Program and Benchmark**  
3 **Reading Assessment [~~and the State Reading Goal~~].**

4 **R277-406-1. 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 [~~53A-1-401(3)] 53E-3-401(4)~~, which allows the Board to make rules  
9 in accordance with its responsibilities; ~~and~~

10 (c) Subsection [~~53A-17a-150]~~ 53F-2-503(14)(a), which directs the Board to  
11 develop rules for implementing the [~~K-3 Reading Improvement~~] Early Literacy Program;  
12 and

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

16 (2) The purpose of this rule is to outline the responsibilities of the Superintendent  
17 and LEAs for implementation of Section [~~53A-17a-150;~~] 53F-2-503 and the Board's  
18 administration of Early Literacy in the state, including to: [~~K-3 Reading Improvement~~  
19 Program, and Section 53A-1-606.5, State Reading Goal-Reading Achievement Plan.]

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

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

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

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

24 (e) require LEAs to submit student reading assessment data to the Board.

25 **R277-406-2. Definitions.**

26 (1) "Benchmark reading assessment" means [~~an~~] the Dynamic Indicators of Basic  
27 Early Literacy Skills or DIBELS assessment that:

28 (a) is given three times each year; [~~at:~~

29 (i) ~~the beginning of the school year;~~

30 (ii) ~~the midpoint of the school year; and~~  
31 (iii) ~~the end of the school 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 the extent to which students are prepared to be successful  
36 on the an end of year Criterion Referenced Test.

37 ~~[(2) "Grade level in reading" means that a student gains adequate meaning from~~  
38 ~~independently reading texts designed for instruction at that grade level.]~~

39 (2) "Evidence-based" means a strategy that has demonstrated a statistically  
40 significant effect on improving student outcomes.

41 (3) "Parental notification requirements" means notice by any reasonable means,  
42 including electronic notice, notice by telephone, written notice, or personal notice.

43 ~~[(3)]~~ (4) "[LEA] Plan" means the [K-3 Reading Achievement] literacy proficiency  
44 improvement plan required in the Early Literacy Program [Plan] that is submitted by a  
45 public school district or a charter school, as required in Subsection 53F-2-503(4).

46 ~~[(4) "Midpoint of school year" means January 31 of the school year.~~

47 ~~(5) "Program" means the K-3 Reading Achievement Program.~~

48 ~~(6)]~~ (5) "Program money" means the same as that term is defined in Section [53A-  
49 17a-150] 53F-2-503.

50 (6) "Reading below grade level" means that a student:

51 (a) performs below the benchmark score on the benchmark reading assessment;

52 and

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

56 (7) "Reading remediation interventions" means reading instruction or reading activities,  
57 or both, given to students in addition to their regular reading instruction, during another time  
58 in the school day, outside regular instructional time, or in the summer, which is focused on  
59 specific needs as identified by reliable and valid assessments.

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

62 ~~[(7) "School plan" means the K-3 Reading Achievement Program Plan submitted~~  
63 ~~by a public school or a charter school.]~~

64 **R277-406-3. Benchmark Assessments**

65 (1) An LEA shall administer the benchmark reading assessments in grade 1, grade 2,  
66 and grade 3 within the following testing windows:

- 67 (a) the first benchmark before September 30;  
68 (b) the second benchmark between December 1 and January 31; and  
69 (c) the third benchmark between the middle of April and June 15.

70 (2) An LEA shall report benchmark reading assessment results to the Superintendent  
71 by:

- 72 (a) October 30;  
73 (b) the last day of February; and  
74 (c) June 30.

75 (3) If the benchmark assessment indicates a student is reading below grade level, the  
76 LEA shall implement the parental notification requirements and evidence-based reading  
77 remediation interventions described in Section 53E-4-307.

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

- 80 (a) October 30;  
81 (b) the last day of February; and  
82 (c) June 30.

83 (5) An LEA shall submit to UTREx the following information from the benchmark  
84 assessment:

- 85 (a) whether or not each student received reading intervention;  
86 (b) UTREx Special Codes related to the benchmark assessment; and  
87 (c) for an LEA not using a state-approved vendor for the benchmark assessment:  
88 (i) whether or not each student is reading on or above benchmark at each

89 administration of the assessment; and  
90 (ii) the composite score for each student at each administration of the  
91 assessment  
92 (6) An LEA that selects the reading assessment technology shall use the assessment  
93 consistent with Board directives.

94 **R277-406-[3]4. [Board/Superintendent Responsibilities.] Early Literacy Plans –**  
95 **LEA and Superintendent Requirements - Timelines.**

96 ~~[(1) The Board shall approve a program plan submitted by an LEA pursuant to~~  
97 ~~Subsection R277-406-4(1).]~~

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

99 (a) a plan in accordance with Subsection 53F-2-503(4); and

100 (b) other required materials within established deadlines.

101 (2) For the 2018-19 school year:

102 (a)(i) any time before August 15, an LEA may submit its plan to the Superintendent  
103 for pre-approval; and

104 (ii) for each LEA that submits a plan for pre-approval, the Superintendent shall  
105 provide feedback in preparation for the LEA submitting the plan to its local board;

106 (b) after its plan is approved by its local board, an LEA shall submit a final plan to  
107 the Superintendent by no later than October 1;

108 (c) within three weeks of an LEA submitting a final, local board-approved plan to the  
109 Superintendent, the Superintendent shall notify the LEA if the plan has been approved;

110 and

111 (d)(i) if the Superintendent does not approve the LEA's plan, the LEA shall  
112 incorporate needed changes or provisions and resubmit the amended plan by December  
113 1; and

114 (ii) the Superintendent shall approve a resubmitted plan that incorporated the  
115 requested changes by December 15.

116 (3) For the 2019-20 school year and subsequent school years:

117           (a)(i) any time before June 15, an LEA may submit its plan to the Superintendent for  
118 pre-approval; and

119           (ii) for each LEA that submits a plan for pre-approval, the Superintendent shall  
120 provide feedback in preparation for the LEA submitting the plan to its local board;

121           (b) after its plan is approved by its local board, an LEA shall submit a final plan to  
122 the Superintendent by no later than August 1;

123           (c) within three weeks of an LEA submitting a final, local board-approved plan to the  
124 Superintendent, the Superintendent shall notify the LEA if the plan has been approved;

125 and

126           (d)(i) if the Superintendent does not approve the LEA's plan, the LEA shall  
127 incorporate needed changes or provisions and resubmit the amended plan by October 1;

128 and

129           (ii) the Superintendent shall approve a resubmitted plan that incorporated the  
130 requested changes by October 15.

131           (4) When reviewing an LEA plan for approval, the Superintendent shall evaluate:

132           (a) the extent to which the LEA's goals are ambitious, yet attainable; and

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

135           (5) All LEA plans shall be reported to the Superintendent using a digital reporting  
136 platform.

137 **R277-406-5. Accountability and Reporting on Early Literacy Plans**

138           (1) An LEA shall report progress toward the goals outlined in the LEA's plan to the  
139 Superintendent by June 30 each year.

140           (2) In accordance with Section [53A-17a-150] 53F-2-503, the uniform standard for  
141 a growth goal is that the goal in an LEA's plan:

142           (a) ~~signifies~~ is calculated using the percentage of ~~third-grade~~ students in an LEA's  
143 grades 1 through 3 who made typical, above typical, or well-above typical progress from  
144 the beginning of the year to the end of the year, ~~in third-grade~~ as measured by the  
145 benchmark assessment; and

146 (b) sets the target percentage of ~~third graders~~ students in grades 1 through 3  
147 making typical progress or better at [47.83] a minimum of 60 percent.

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

- 151 (i) well-above typical;
- 152 (ii) above typical;
- 153 (iii) typical;
- 154 (iv) below typical; or
- 155 (v) well-below typical.

156 (4) If an LEA does not make sufficient progress toward its plan goals, as defined in  
157 Subsection (5), the LEA shall be in the Board System of Support and required to  
158 participate in interventions to improve early literacy.

159 (5) Sufficient progress toward plan goals means the LEA meets:

- 160 (a) the LEA's growth goal, as described in Subsection 53F-2-503(4)(a)(v); and
- 161 (b) at least one of the LEA-designated goals addressing performance gaps, as  
162 described in Subsection 53F-2-503(4)(a)(vi).

163 (6) The Superintendent shall establish the strategies, interventions, and techniques  
164 for schools that are in the Board System of Support to help schools achieve early literacy  
165 goals.

166 **~~[R277-406-4. Responsibilities of LEAs.~~**

167 ~~—— (1) To receive Program money, a school with K-3 grade levels shall submit a~~  
168 ~~school plan to its local board or charter board, and each LEA shall submit an LEA plan to~~  
169 ~~the Board for reading proficiency improvement that incorporates the components described~~  
170 ~~in 53A-1-606.5(3)(d) and 53A-17a-150(4)(a):~~

171 ~~—— (2) The school plan shall be created:~~

- 172 ~~—— (a) for a school in a district, under the direction of the school community council;~~
- 173 ~~—— (b) for a charter school, under the direction of the charter school governing board.~~

174 ~~(3)(a) An LEA shall complete the report required by 53A-17a-150(13)(a) and 53A-~~

175 ~~17a-150(14)(b)(i) within timelines set by the Superintendent.~~  
176 ~~—— (b) The report shall include:~~  
177 ~~—— (i) the information described in 53A-17a-150(16)(a) for kindergarten, first grade,~~  
178 ~~second grade, and third grade, including information from the previous five years; and~~  
179 ~~—— (ii) the composite scores on the benchmark assessment of students in grades 1~~  
180 ~~through 3 to the Superintendent:~~  
181 ~~—— (A) through UTREx; and~~  
182 ~~—— (B) on or before July 1 of each year.~~  
183 ~~(4) An LEA that loses Program money due to a failure to meet its goal of increasing~~  
184 ~~the percentage of third grade students at grade level may reapply for the Program money~~  
185 ~~upon submission of a revised K-3 Reading Achievement Plan after one year of not~~  
186 ~~receiving Program money.]~~

187 **KEY: reading, improvement, goals**

188 **Date of Enactment or Last Substantive Amendment: October 8, 2015**

189 **Notice of Continuation: June 10, 2013**

190 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53A-1-401(3)]**

191 **Subsection 53E-3-401(4); [53A-17a-150] Subsection 53F-2-503(14)(a)**