

1 **R277. Education, Administration.**

2 **R277-406. Early Literacy Program and Benchmark Reading Assessment.**

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-3-401(4), which allows the Board to make rules [~~in accordance~~
8 ~~with its responsibilities~~] to execute the Board's duties and responsibilities under the Utah
9 Constitution and state law;

10 (c) Subsection 53F-2-503(14)(a), which directs the Board to develop rules for
11 implementing the Early Literacy Program; and

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

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

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

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

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

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

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

22 **R277-406-2. Definitions.**

23 (1) "Benchmark reading assessment" means the [~~Dynamic Indicators of Basic Early~~
24 ~~Literacy Skills or DIBELS~~] Acadience Reading assessment that:

25 (a) is given three times each year; (b) gives teachers information to:

26 (i) plan appropriate instruction; and

27 (ii) evaluate the effects of instruction; and

28 (c) provides data about the extent to which students are prepared to be successful on
29 an end of year [~~C~~]criterion [~~R~~]referenced [~~F~~]test.

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

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

34 (4) "Plan" means the literacy proficiency improvement plan required in the Early
35 Literacy Program that is submitted by a public school district or a charter school, as required
36 in Subsection 53F-2-503(4).

37 (5) "Program money" means the same as that term is defined in Section 53F-2-503.

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

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

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

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

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

49 **R277-406-3. Benchmark Reading Assessments**

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

52 (a) the first benchmark before September 30;

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

54 (c) the third benchmark between the middle of April and June 15.

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

57 (a) October 30;

58 (b) the last day of February; and

59 (c) June 30.

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

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

65 (a) October 30;

66 (b) the last day of February; and

67 (c) June 30.

68 (5) An LEA shall submit to UTREx the following information from the benchmark
69 reading assessment:

70 (a) whether or not each student received reading intervention;

71 (b) UTREx Special Codes related to the benchmark reading assessment; and

72 (c) for an LEA not using a state-approved vendor for the benchmark reading
73 assessment:

74 (i) whether or not each student is reading on or above benchmark at each
75 administration of the assessment; and

76 (ii) the composite score for each student at each administration of the assessment

77 (6) An LEA that selects the reading assessment technology shall use the assessment
78 consistent with Board directives.

79 **R277-406-4. Early Literacy Plans – LEA and Superintendent Requirements -**
80 **Timelines.**

81 (1) Beginning with the 2019-20 school year, [F]to receive program money, an LEA
82 shall submit:

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

84 (b) other required materials within established deadlines.

85 ~~[(2)For the 2018-19 school year:~~

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

88 ~~—— (ii) for each LEA that submits a plan for pre-approval, the Superintendent shall~~
89 ~~provide feedback in preparation for the LEA submitting the plan to its local board;~~
90 ~~—— (b) after its plan is approved by its local board, an LEA shall submit a final plan to~~
91 ~~the Superintendent by no later than October 1;~~
92 ~~—— (c) within three weeks of an LEA submitting a final, local board-approved plan to the~~
93 ~~Superintendent, the Superintendent shall notify the LEA if the plan has been approved;~~
94 ~~and~~
95 ~~—— (d)(i) if the Superintendent does not approve the LEA's plan, the LEA shall~~
96 ~~incorporate needed changes or provisions and resubmit the amended plan by December~~
97 ~~1; and~~
98 ~~—— (ii) the Superintendent shall approve a resubmitted plan that incorporated the~~
99 ~~requested changes by December 15.]~~

100 ~~[(3) For the 2019-20 school year and subsequent school years:]~~

101 ~~[(a)(i)(2)(a) [a]Any time before [June 15] July 1, an LEA may submit its plan to the~~
102 ~~Superintendent for pre-approval; and~~

103 ~~[(ii)b] [f]For each LEA that submits a plan for pre-approval, the Superintendent shall~~
104 ~~provide feedback in preparation for the LEA submitting the plan to its local board;~~

105 ~~[(b)3] [after its plan is approved by its local board;] [a]An LEA shall submit a final~~
106 ~~plan to the Superintendent by no later than August 15;~~

107 ~~(4) Notwithstanding Subsection (3), by September 1 an LEA shall provide to the~~
108 ~~Superintendent:~~

109 ~~(a) proof that the LEA's governing board reviewed and approved the LEA's plan in~~
110 ~~an open meeting; and~~

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

113 ~~[(c)5] [w]Within three weeks of an LEA submitting a final, local board-approved plan~~
114 ~~to the Superintendent, the Superintendent shall notify the LEA if the plan has been~~
115 ~~approved or if modifications to the plan are required[; and].~~

116 ~~[(d)(i)(6) [i]If the Superintendent does not approve [the] an LEA's plan, the LEA~~
117 ~~[shall] may, by October 15:~~

- 118 (a) incorporate needed changes or provisions; [and]
119 (b) obtain approval for the amended plan from the LEA’s governing board; and
120 (c) resubmit the amended plan [by October 4]; and

121 ([ii]7) If an LEA timely resubmits a plan that includes the required modifications, the
122 Superintendent shall approve [a resubmitted] the plan [that incorporated the requested
123 changes] by [October 15] November 1.

124 (8) If an LEA fails to timely resubmit an acceptable plan by November 1, the LEA is
125 not eligible for funding in the current school year.

126 ([4]9) When reviewing an LEA plan for approval, the Superintendent shall evaluate:

- 127 (a) the extent to which the LEA’s goals are ambitious, yet attainable; and
128 (b) [if] whether the plan uses evidence-based curriculum, materials, and practices,
129 which will support the LEA in meeting its growth goals.

130 ([5]10) All LEA plans shall be reported to the Superintendent using a digital
131 reporting platform.

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

133 (1) An LEA shall report progress toward the goals outlined in the LEA’s plan to the
134 Superintendent by June 30 each year.

135 (2) In accordance with Section 53F-2-503, a growth goal in an LEA’s plan:

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

139 (b) sets the target percentage of students in grades 1 through 3 making typical
140 progress or better at a minimum of 60 percent.

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

- 144 (i) well-above typical;
145 (ii) above typical;
146 (iii) typical;

147 (iv) below typical; or

148 (v) well-below typical.

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

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

153 (a) the LEA's growth goal, as described in Subsection 53F-2-503(4)(a)(v); and

154 (b) at least one of the LEA-designated goals addressing performance gaps, as
155 described in Subsection 53F-2-503(4)(a)(vi).

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

159 **KEY: reading, improvement, goals**

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

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

162 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; Subsection 53E-3-**
163 **401(4); Subsection 53F-2-503(14)(a)**