

1                   **OPTIONAL ENHANCED KINDERGARTEN AMENDMENTS**

2   2016 GENERAL SESSION

3   STATE OF UTAH

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5 **LONG TITLE**

6 **General Description:**

7           This bill modifies and enacts provisions regarding early grade academic improvement.

8 **Highlighted Provisions:**

9           This bill:

- 10           ▶ requires the State Board of Education to administer a grant program to support
- 11                                   certain kindergarten student academic improvement programs run by LEAs; and
- 12           ▶ recodifies and makes technical changes to provisions related to early interactive
- 13                                   reading software.

14 **Money Appropriated in this Bill:**

15           This bill appropriates in fiscal year 2017:

- 16           ▶ to State Board of Education -- Minimum School Program -- Related to Basic School
- 17                                   Program -- Early Intervention Program:
- 18                                   • from the Education Fund, (\$7,500,000).
- 19           ▶ to State Board of Education -- Minimum School Program -- Related to Basic School
- 20                                   Program -- Optional Enhanced Kindergarten Program, as an ongoing appropriation:
- 21                                   • from the Education Fund, \$17,500,000.

22 **Other Special Clauses:**

23           None

24 **Utah Code Sections Affected:**

25 ENACTS:

26           **53a-17a-167.5**, Utah Code Annotated 1953

27 REPEALS AND REENACTS:

28           **53A-17a-167**, as last amended by Laws of Utah 2015, Chapter 372

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30 *Be it enacted by the Legislature of the state of Utah:*

31           Section 1. Section **53A-17a-167** is repealed and reenacted to read:

32           **53A-17a-167. Grant funding for optional enhanced kindergarten programs.**

- 33           (1) As used in this section:
- 34           (a) "Board" means the State Board of Education.
- 35           (b) "Local Education Agency" or "LEA" means a school district or charter school.
- 36           (c) "Optional enhanced kindergarten program" or "OEK program" means a program to  
37 improve the academic competency of kindergarten students that:
- 38           (i) meets the criteria described in Subsection (4); and
- 39           (ii) is delivered by an LEA.
- 40           (2) In accordance with this section, the board shall distribute funds appropriated under  
41 this section to support optional enhanced kindergarten programs.
- 42           (3) (a) The board shall administer a qualifying base amount grant program and a  
43 competitive grant program as described in this Subsection (3) to distribute funds described in  
44 Subsection (2) to LEAs that:
- 45           (i) apply for a grant; and
- 46           (ii) offer an OEK program.
- 47           (b) For each LEA that meets the criteria described in Subsection (3)(a), the board shall  
48 administer a base amount grant to fund a minimum OEK program, taking into consideration:
- 49           (i) the number of the LEA's students who were eligible to receive free lunch in the  
50 prior school year; and
- 51           (ii) the LEA's overall need for an OEK program, based on the results of the LEA's  
52 pre-kindergarten assessments described in Subsection (4)(b)(ii).
- 53           (c) After distributing the base grant amounts as described in Subsection (3)(b), the  
54 board shall, on a competitive basis, distribute remaining grant money to one or more LEAs that  
55 received a base amount grant under Subsection (3)(b), taking into consideration:
- 56           (i) the success of an LEA's OEK program, based on the results of the LEA's pre- and  
57 post-kindergarten assessments described in Subsection (4)(b)(ii); and
- 58           (ii) the extent to which an LEA's base amount grant does not meet the LEA's overall  
59 need described in Subsection (3)(b)(ii).
- 60           (4) An LEA that receives grant money as described in Subsection (3) shall:
- 61           (a) use the grant money to offer an OEK program that:
- 62           (i) targets kindergarten students at risk for not meeting grade 3 core standards for Utah  
63 public schools, established by the board under Section 53A-1-402.6, by the end of each

64 student's grade 3 year:

65 (ii) uses an evidenced-based early intervention model;

66 (iii) focuses on academically improving age-appropriate literacy and numeracy skills;

67 (iv) emphasizes the use of live instruction;

68 (v) administers pre- and post-kindergarten assessments; and

69 (vi) is delivered through additional hours or other means; and

70 (b) report to the board annually regarding:

71 (i) how the LEA used grant money received under Subsection (3); and

72 (ii) the results of the LEA's OEK program pre- and post-assessments for the prior year.

73 (5) A parent may decline participation of the parent's kindergarten student in an OEK

74 program.

75 Section 2. Section **53a-17a-167.5** is enacted to read:

76 **53a-17a-167.5. Early intervention educational technology program.**

77 (1) As used in this section:

78 (a) "Dosage" means amount of instructional time; and

79 (b) "License" means a license for the early interactive reading software described in

80 Subsection (3)(a) that is distributed by the State Board of Education under Subsection (3)(b).

81 (2) In accordance with this section, the State Board of Education shall administer an

82 early intervention technology program to improve reading skills of students in kindergarten

83 through grade 3 through the use of early interactive reading software.

84 (3) (a) Subject to legislative appropriations, the State Board of Education shall select

85 and contract with one or more technology providers, through a request for proposals process, to

86 provide early interactive reading software for literacy instruction and assessments for students

87 in kindergarten through grade 3.

88 (b) By August 1 of each year, the State Board of Education shall distribute licenses to

89 school districts and charter schools that apply for the licenses.

90 (c) Except as provided in Subsection (4)(b), if a school district or charter school

91 received a license during the prior year, the State Board of Education shall give first priority to

92 the school district or charter school to receive an equivalent license during the current year.

93 (d) The State Board of Education shall distribute a license not described in Subsection

94 (3)(c) through a competitive process.

95 (4) (a) A public school that receives a license shall use the license:

96 (i) for a student in kindergarten or grade 1:

97 (A) for intervention for the student if the student is reading below grade level; or

98 (B) for advancement beyond grade level for the student if the student is reading at or  
99 above grade level;

100 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading  
101 below grade level; and

102 (iii) in accordance with the technology provider's dosage recommendations.

103 (b) The State Board of Education may not distribute a license to a public school that  
104 fails to use the early interaction reading software in accordance with the technology provider's  
105 dosage recommendations for two consecutive years.

106 (5) (a) On or before August 1 of each year, the State Board of Education shall select  
107 and contract with an independent evaluator, through a request for proposals process, to act as  
108 an independent contractor to evaluate early interactive reading software provided under this  
109 section.

110 (b) The State Board of Education shall ensure that a contract with an independent  
111 evaluator requires the independent evaluator to:

112 (i) evaluate a student's learning gains as a result of using early interactive reading  
113 software provided under Subsection (3);

114 (ii) for an evaluation described in Subsection (5)(b)(i), use an assessment that is not  
115 developed by a provider of early interactive reading software; and

116 (iii) determine the extent to which a public school uses the early interactive reading  
117 software in accordance with a technology provider's dosage recommendations under  
118 Subsection (4).

119 (c) The State Board of Education and the independent evaluator selected under  
120 Subsection (5)(a) shall report annually on the results of the evaluation to the Education Interim  
121 Committee and the governor.

122 (d) The State Board of Education may use up to 4% of an appropriation provided to  
123 fund this section to contract with an independent evaluator selected under Subsection (5)(a).

124 **Section 3. Appropriation.**

125 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for

126 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money  
 127 are appropriated from resources not otherwise appropriated, or reduced from amounts  
 128 previously appropriated, out of the funds or accounts indicated. These sums of money are in  
 129 addition to any amounts previously appropriated for fiscal year 2017.

130 To State Board of Education -- Minimum School Program -- Related to Basic School  
 131 Program

132 From Education Fund (\$7,500,000)

133 Schedule of Programs:

134 Early Intervention (\$7,500,000)

135 To State Board of Education -- Minimum School Program -- Related to Basic School  
 136 Program

137 From Education Fund \$17,500,000

138 Schedule of Programs:

139 Optional Enhanced Kindergarten Program \$17,500,000

140 The Legislature intends that:

141 (1) the State Board of Education shall use the money appropriated to the Optional  
 142 Enhanced Kindergarten Program as follows:

143 (a) \$7,500,000 for the qualifying base amount grant program described in Subsection  
 144 53A-17a-167(3)(b); and

145 (b) \$10,000,000 for the competitive grant program described in Subsection  
 146 53A-17a-167(3)(c); and

147 (2) the appropriation provided under this section not lapse.