

**OPTIONAL ENHANCED KINDERGARTEN AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ requires the State Board of Education to:
  - develop kindergarten entry and exit assessments for use by certain kindergarten student academic improvement programs; and
  - administer a grant program to support certain kindergarten student academic improvement programs; and
- ▶ recodifies and makes technical changes to provisions related to early interactive reading software.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2017:

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

**Other Special Clauses:**

None

**Utah Code Sections Affected:****ENACTS:**

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

**REPEALS AND REENACTS:**

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

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

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 Section **53A-17a-167** is repealed and reenacted to read:

35 **53A-17a-167. Grant funding for optional enhanced kindergarten programs.**

36 (1) As used in this section:

37 (a) "Board" means the State Board of Education.

38 (b) "Local Education Agency" or "LEA" means a school district or charter school.

39 (c) "Optional enhanced kindergarten program" or "OEK program" means a program to  
40 improve the academic competency of kindergarten students that:

41 (i) meets the criteria described in Subsection (4)(a);

42 (ii) receives funding from a grant program described in Subsection (3); and

43 (iii) is delivered by an LEA.

44 (2) (a) In accordance with this section, the board shall distribute funds appropriated  
45 under this section to support optional enhanced kindergarten programs.

46 (b) The board may use up to 1% of the funds described in Subsection (2)(a) for the  
47 administrative cost of running the grant programs described in Subsection (3).

48 (c) The board shall develop kindergarten entry and exit assessments for use by an OEK  
49 program.

50 (3) (a) The board shall administer a qualifying base amount grant program and a  
51 competitive grant program as described in this Subsection (3) to distribute funds described in  
52 Subsection (2)(a) to LEAs that:

53 (i) apply for a grant; and

54 (ii) offer a kindergarten student academic improvement program that meets the  
55 requirements described in Subsection (4).

56 (b) For each LEA that meets the criteria described in Subsection (3)(a), the board shall  
57 administer a base amount grant to fund a minimum OEK program, taking into consideration:

58 (i) the number of the LEA's students who were eligible to receive free lunch in the  
59 prior school year; and

60 (ii) the LEA's overall need for an OEK program, based on the results of the LEA's  
61 kindergarten entry and exit assessments described in Subsection (4)(b)(ii).

62 (c) After distributing the base amount grants as described in Subsection (3)(b), the  
63 board shall, on a competitive basis, distribute remaining grant money to one or more LEAs that

64 received a base amount grant under Subsection (3)(b), taking into consideration:

65 (i) the success of an LEA's OEK program, based on the results of the LEA's  
66 kindergarten entry and exit assessments described in Subsection (4)(b)(ii); and

67 (ii) the extent to which an LEA's base amount grant does not meet the LEA's overall  
68 need described in Subsection (3)(b)(ii).

69 (4) An LEA that receives a grant as described in Subsection (3) shall:

70 (a) use the grant money to offer an OEK program that:

71 (i) targets kindergarten students at risk for not meeting grade 3 core standards for Utah  
72 public schools, established by the board under Section 53A-1-402.6, by the end of each  
73 student's grade 3 year;

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

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

76 (iv) emphasizes the use of live instruction;

77 (v) administers the kindergarten entry and exit assessments described in Subsection  
78 (2)(c); and

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

80 (b) report to the board annually regarding:

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

82 (ii) the results of the LEA's kindergarten entry and exit assessments for the prior year.

83 (5) (a) Except as provided in Subsection (5)(b), an LEA may not charge a fee for a  
84 student to participate in an OEK program.

85 (b) If an LEA determines that the LEA's OEK program has additional space at a  
86 particular school after admitting the kindergarten students described in Subsection (4)(a)(i), the  
87 LEA may charge a fee and admit additional kindergarten students not described in Subsection  
88 (4)(a)(i) to fill the additional space at the school.

89 (6) A parent or legal guardian may decline participation of the parent or legal  
90 guardian's kindergarten student in an OEK program.

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

92 **53a-17a-167.5. Early intervention educational technology program.**

93 (1) As used in this section:

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

95 (b) "License" means a license for the early interactive reading software described in  
96 Subsection (3)(a) that is distributed by the State Board of Education under Subsection (3)(b).

97 (2) In accordance with this section, the State Board of Education shall administer an  
98 early intervention technology program to improve reading skills of students in kindergarten  
99 through grade 3 through the use of early interactive reading software.

100 (3) (a) Subject to legislative appropriations, the State Board of Education shall select  
101 and contract with one or more technology providers, through a request for proposals process, to  
102 provide early interactive reading software for literacy instruction and assessments for students  
103 in kindergarten through grade 3.

104 (b) By August 1 of each year, the State Board of Education shall distribute licenses to  
105 school districts and charter schools that apply for the licenses.

106 (c) Except as provided in Subsection (4)(b), if a school district or charter school  
107 received a license during the prior year, the State Board of Education shall give first priority to  
108 the school district or charter school to receive an equivalent license during the current year.

109 (d) The State Board of Education shall distribute a license not described in Subsection  
110 (3)(c) through a competitive process.

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

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

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

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

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

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

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

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

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

128 (i) evaluate a student's learning gains as a result of using early interactive reading  
 129 software provided under Subsection (3):

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

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

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

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

140 **Section 3. Appropriation.**

141 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
 142 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money  
 143 are appropriated from resources not otherwise appropriated, or reduced from amounts  
 144 previously appropriated, out of the funds or accounts indicated. These sums of money are in  
 145 addition to any amounts previously appropriated for fiscal year 2017.

146 To State Board of Education -- Minimum School Program -- Related to Basic School  
 147 Program

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

149 Schedule of Programs:

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

151 To State Board of Education -- Minimum School Program -- Related to Basic School  
 152 Program

153 From Education Fund \$17,500,000

154 Schedule of Programs:

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

156 The Legislature intends that:

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

159           (a) \$7,500,000 for the qualifying base amount grant program described in Subsection  
160 53A-17a-167(3)(b);

161           (b) \$9,250,000 for the competitive grant program described in Subsection  
162 53A-17a-167(3)(c); and

163           (c) \$750,000 for the development of the kindergarten entry and exit assessments as  
164 described in Subsection 53A-17a-167(2)(c); and

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