

**Senator Darin G. Peterson** proposes the following substitute bill:

**OPTIONAL EXTENDED-DAY KINDERGARTEN**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lyle W. Hillyard**

House Sponsor: Kory M. Holdaway

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**LONG TITLE**

**General Description:**

This bill establishes a voluntary extended-day kindergarten program, with certain funding priorities.

**Highlighted Provisions:**

This bill:

- ▶ establishes a program, administered by the State Board of Education, through which school districts and charter schools may provide voluntary extended-day kindergarten;
- ▶ establishes program requirements and funding priorities;
- ▶ requires districts to report certain information on the use of program monies and on the program's outcomes to the State Board of Education;
- ▶ requires the Superintendent of Public Instruction to report to the Education Interim Committee on the program; and
- ▶ provides for review of and a sunset date for the program.

**Monies Appropriated in this Bill:**

This bill appropriates as an ongoing appropriation subject to future budget constraints, \$7,500,000 from the Uniform School Fund for fiscal year 2007-08 to the State Board of Education.



26 **Other Special Clauses:**

27 This bill takes effect on July 1, 2007.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63-55-253**, as last amended by Chapters 86 and 91, Laws of Utah 2005

31 ENACTS:

32 **53A-1a-801**, Utah Code Annotated 1953

33 **53A-1a-802**, Utah Code Annotated 1953

34 **53A-1a-803**, Utah Code Annotated 1953



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

37 Section 1. Section **53A-1a-801** is enacted to read:

38 **Part 8. Voluntary Extended-day Kindergarten Program**

39 **53A-1a-801. Definitions.**

40 As used in this part:

41 (1) "Extended-day kindergarten" means a kindergarten program that provides at least  
42 the same number of instructional hours per school year as first grade, as established under State  
43 Board of Education rule.

44 (2) "Part-day kindergarten" means a kindergarten program that provides fewer  
45 instructional hours than first grade, as established under State Board of Education rule.

46 Section 2. Section **53A-1a-802** is enacted to read:

47 **53A-1a-802. Voluntary extended-day kindergarten program.**

48 (1) If funds are appropriated for this purpose, the State Board of Education shall  
49 allocate available funds, consistent with Section 53A-1a-803, to charter schools and school  
50 districts that apply to offer extended-day kindergarten.

51 (2) A school district shall coordinate program application, funding, administration, and  
52 reporting for its schools that participate in the program.

53 (3) A charter school or school district:

54 (a) may not require a student to participate in extended-day kindergarten;

55 (b) shall continue to offer part-day kindergarten for students not participating in the  
56 program; and

57 (c) shall continue to honor the provisions of any preexisting contractual agreement  
58 related to other early intervention programs offered at the school site, through the remaining  
59 term of the contract.

60 (4) A charter school or school district that receives funds under this part shall:

61 (a) annually conduct a kindergarten readiness assessment for incoming kindergarten  
62 students prior to the beginning of the school year;

63 (b) ensure that:

64 (i) a majority of students enrolled in an extended-day kindergarten class under this part  
65 are students who have the greatest need for additional instruction, as determined by the  
66 kindergarten readiness assessment; and

67 (ii) an extended-day kindergarten class does not have more enrolled students than other  
68 kindergarten classes in the school;

69 (c) utilize allocated funds to establish extended-day kindergarten in the schools with  
70 greatest need as measured by the percentage of students eligible for free lunch; and

71 (d) annually report to the State Board of Education regarding:

72 (i) the number of students served;

73 (ii) the specific results achieved by the program, including any standardized testing or  
74 district-directed assessment;

75 (iii) challenges encountered in administering the program and suggestions for  
76 improvement; and

77 (iv) specific accountability for and tracking of the voluntary extended-day kindergarten  
78 program dollars each year.

79 (5) Until 2012, the superintendent of public instruction shall annually report to the  
80 Education Interim Committee on the program, including a summary of information reported  
81 under Subsection (4)(d).

82 (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
83 and consistent with this part, the State Board of Education shall make rules establishing  
84 application and reporting procedures necessary to administer this part.

85 Section 3. Section **53A-1a-803** is enacted to read:

86 **53A-1a-803. Voluntary extended-day kindergarten program funding.**

87 (1) As used in this section, "Title I school" means a school receiving federal monies

88 under Title I of the No Child Left Behind Act of 2001, Pub. L. No. 107-110, for a schoolwide  
89 or targeted assistance program.

90 (2) If funds are appropriated for this purpose, the State Board of Education shall  
91 allocate funds to charter schools and school districts.

92 (3) For charter schools, the State Board of Education shall:

93 (a) determine the total allocation for charter schools by:

94 (i) dividing the number of charter school students eligible to receive free lunch by the  
95 total number of students in the public education system eligible to receive free lunch in the  
96 prior school year; and

97 (ii) multiplying the resulting percentage by the total amount of available funds; and

98 (b) allocate the resulting amount of funds to individual charter schools with the greatest  
99 need for extended-day kindergarten, as determined by the State Board of Education in  
100 consultation with the State Charter School Board.

101 (4) For school districts, the State Board of Education shall:

102 (a) determine the total allocation for school districts by subtracting the charter school  
103 amount calculated under Subsection (3)(a) from the total amount of available funds; and

104 (b) allocate the resulting amount to applicant school districts by:

105 (i) allocating to each school district the amount calculated by:

106 (A) multiplying the value of the weighted pupil unit under Subsection 53A-17a-103(1)  
107 by 0.45; and

108 (B) multiplying the result by 20; and

109 (ii) allocating any remaining funds after the allocation under Subsection (4)(b)(i) by:

110 (A) determining the number of students eligible to receive free lunch in the prior  
111 school year for each school district; and

112 (B) prorating the remaining funds based on the number of students eligible to receive  
113 free lunch in each district.

114 (5) The State Board of Education may modify the allocation of funds described under  
115 this section to provide sufficient funding for each Title I school to participate in the voluntary  
116 extended-day kindergarten program.

117 Section 4. Section **63-55-253** is amended to read:

118 **63-55-253. Repeal dates, Titles 53, 53A, and 53B.**

119 The following provisions of Title 53A are repealed on the following dates:

120 (1) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program is  
121 repealed July 1, 2010.

122 (2) Title 53A, Chapter 1a, Part 8, Voluntary Extended-day Kindergarten Program, is  
123 repealed July 1, 2011.

124 [~~2~~] (3) The State Instructional Materials Commission, created in Section 53A-14-101,  
125 is repealed July 1, 2011.

126 [~~3~~] (4) Title 53A, Chapter 20a, Public Education Revenue Bond Act, is repealed July  
127 1, 2007.

128 [~~4~~] (5) Section 53-3-232, Conditional licenses, is repealed July 1, 2015.

129 Section 5. **Appropriation.**

130 As an ongoing appropriation subject to future budget constraints, there is appropriated  
131 from the Uniform School Fund for fiscal year 2007-08, \$7,500,000 to the State Board of  
132 Education, for allocation to school districts and charter schools pursuant to the voluntary  
133 extended-day kindergarten program under Section 53A-1a-803.

134 Section 6. **Effective date.**

135 This bill takes effect on July 1, 2007.

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**S.B. 49 2nd Sub. (Salmon) - Optional Extended-day Kindergarten**

**Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill will appropriate \$7,500,000 in ongoing Uniform School Fund revenue to the Utah State Board of Education for the optional extended-day Kindergarten program.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
Uniform School Fund	\$0	\$7,500,000	\$7,500,000	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$7,500,000</b>	<b>\$7,500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

School districts and charter schools may apply to the State Board of Education to receive funds appropriated in the bill. School districts and charter schools electing to apply for funding under the provisions of this bill may incur some costs in excess of the actual state allocation received under the program distribution formula.