

1 **UPSTART AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

---

---

4  
5 **LONG TITLE**

6 **General Description:**

7 This bill amends provisions related to the UPSTART educational technology program.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ amends definitions;
- 11 ▶ requires a contractor to cooperate with private preschool provider personnel who
- 12 will provide administrative and technical support of the UPSTART program;
- 13 ▶ directs the State Board of Education when entering a contract with an UPSTART
- 14 provider to require the provider to prioritize enrollment of preschool children living
- 15 within the boundaries of a qualified school or enrolled in a qualified preschool;
- 16 ▶ allows certain qualified participants to obtain a computer and other services for the
- 17 duration of the qualified participant's participation in UPSTART;
- 18 ▶ repeals provisions requiring a contractor to obtain certain supporting documentation
- 19 from participating individuals;
- 20 ▶ allows the State Board of Education to use certain appropriations for administration
- 21 of the UPSTART program;
- 22 ▶ requires the program evaluator to use certain assessment scores;
- 23 ▶ requires the State Board of Education to report on the number of private preschool
- 24 providers and public preschools participating in the program; and
- 25 ▶ makes technical corrections.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53F-4-401**, as renumbered and amended by Laws of Utah 2018, Chapter 2

33           **53F-4-402**, as last amended by Laws of Utah 2018, Chapter 163 and renumbered and  
 34           amended by Laws of Utah 2018, Chapter 2  
 35           **53F-4-403**, as renumbered and amended by Laws of Utah 2018, Chapter 2  
 36           **53F-4-404**, as renumbered and amended by Laws of Utah 2018, Chapter 2  
 37           **53F-4-405**, as renumbered and amended by Laws of Utah 2018, Chapter 2  
 38           **53F-4-406**, as renumbered and amended by Laws of Utah 2018, Chapter 2  
 39           **53F-4-407**, as renumbered and amended by Laws of Utah 2018, Chapter 2

40

---

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

42           Section 1. Section **53F-4-401** is amended to read:

43           **53F-4-401. Definitions.**

44           As used in this part:

45           (1) "Contractor" means the educational technology provider selected by the State Board  
 46 of Education under Section 53F-4-402.

47           ~~[(2) "Low income" means an income below 185% of the federal poverty guideline.]~~

48           (2) "Intergenerational poverty" means the same as that term is defined in Section  
 49 35A-9-102.

50           (3) "Necessarily existent small school" means a school described in Section 53F-2-304.

51           ~~[(3)]~~ (4) "Preschool [~~children~~] child" means [~~children who are~~] a child who is:

52           (a) age four or five; and

53           (b) [~~have~~] has not entered kindergarten.

54           (5) (a) "Private preschool provider" means a child care program that:

55           (i) (A) except as provided in Subsection (4)(b), is licensed under Title 26, Chapter 39,  
 56 Utah Child Care Licensing Act; or

57           (B) is exempt from licensure under Section 26-39-403; and

58           (ii) meets other criteria as established by the State Board of Education, consistent with  
 59 Utah Constitution, Article X, Section 1.

60           (b) "Private preschool provider" does not include residential child care, as defined in  
 61 Section 26-39-102.

62           (6) "Public preschool" means a preschool that is provided by a school district or charter  
 63 school.

64 (7) "Qualifying participant" means a preschool child who:

65 (a) resides within the boundaries of a qualifying school as determined under Section  
66 53G-6-302; or

67 (b) is enrolled in a qualifying preschool.

68 (8) "Qualifying preschool" means a public preschool or private preschool provider that:

69 (a) serves preschool children covered by child care subsidies;

70 (b) participates in a federally assisted meal program that provides funds to licensed  
71 child care centers as authorized under Section 53E-3-501; or

72 (c) is located within the boundaries of a qualified school.

73 (9) "Qualifying school" means a district school that is:

74 (a) a Title I school;

75 (b) a necessarily existent small school; or

76 (c) a school with a high percentage, as determined by the Department of Workforce  
77 Services through rule and based on the previous school year enrollments, of students

78 experiencing intergenerational poverty.

79 (10) "Title I school" means a school that receives funds under the Elementary and  
80 Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

81 ~~(4)~~ (11) "UPSTART" means the project established by Section 53F-4-402 that uses a  
82 home-based educational technology program to develop school readiness skills of preschool  
83 children.

84 Section 2. Section **53F-4-402** is amended to read:

85 **53F-4-402. UPSTART program to develop school readiness skills of preschool**  
86 **children.**

87 (1) UPSTART, a project that uses a home-based educational technology program to  
88 develop school readiness skills of preschool children, is established within the public education  
89 system.

90 (2) UPSTART is created to:

91 (a) evaluate the effectiveness of giving preschool children access, at home, to  
92 interactive individualized instruction delivered by computers and the Internet to prepare them  
93 academically for success in school; and

94 (b) test the feasibility of scaling a home-based curriculum in reading, math, and science

95 delivered by computers and the Internet to all preschool children in Utah.

96 (3) (a) The State Board of Education shall contract with an educational technology  
97 provider, selected through a request for proposals process, for the delivery of a home-based  
98 educational technology program for preschool children that meets the requirements of  
99 Subsection (4).

100 (b) (i) The State Board of Education may, on or before July 1, 2019, issue a request for  
101 proposals for two-year pilot proposals from, and enter into a contract with, one or more  
102 educational technology providers that do not have an existing contract under this part with the  
103 state for the delivery of a home-based educational technology program for preschool children  
104 that meets the requirements of Subsection (4).

105 (ii) If the State Board of Education enters into a contract for a two-year pilot as  
106 described in Subsection (3)(b)(i), the State Board of Education may enter into a contract with  
107 one or more educational technology providers that have participated in a Utah pilot.

108 (c) Every five years after July 1, 2021, the State Board of Education may issue a new  
109 request for proposals described in this section.

110 (4) A home-based educational technology program for preschool children shall meet  
111 the following standards:

112 (a) the contractor shall provide computer-assisted instruction for preschool children on  
113 a home computer connected by the Internet to a centralized file storage facility;

114 (b) the contractor shall:

115 (i) provide technical support to families for the installation and operation of the  
116 instructional software; and

117 (ii) provide for the installation of computer and Internet access in homes of [~~low~~  
118 ~~income families~~] qualified participants that cannot afford the equipment and service;

119 (c) the contractor shall have the capability of doing the following through the Internet:

120 (i) communicating with parents;

121 (ii) updating the instructional software;

122 (iii) validating user access;

123 (iv) collecting usage data;

124 (v) storing research data; and

125 (vi) producing reports for parents, schools, and the Legislature;

126 (d) the program shall include the following components:

127 (i) computer-assisted, individualized instruction in reading, mathematics, and science;

128 (ii) a multisensory reading tutoring program; and

129 (iii) a validated computer adaptive reading test that does not require the presence of  
130 trained adults to administer and is an accurate indicator of reading readiness of children who  
131 cannot read;

132 (e) the contractor shall have the capability to quickly and efficiently modify, improve,  
133 and support the product;

134 (f) the contractor shall work in cooperation with [~~school district~~] public preschool or  
135 private preschool provider personnel who will provide administrative and technical support of  
136 the program as provided in Section 53F-4-403;

137 (g) the contractor shall solicit families to participate in the program as provided in  
138 Section 53F-4-404; and

139 (h) in implementing the home-based educational technology program, the contractor  
140 shall seek the [~~advise~~] advice and expertise of early childhood education professionals within  
141 the Utah System of Higher Education on issues such as:

142 (i) soliciting families to participate in the program;

143 (ii) providing training to families; and

144 (iii) motivating families to regularly use the instructional software.

145 (5) (a) The contract shall provide funding for a home-based educational technology  
146 program for preschool children, subject to the appropriation of money by the Legislature for  
147 UPSTART.

148 (b) An appropriation for a request for proposals described in Subsection (3)(b)(i) shall  
149 be separate from an appropriation described in Subsection (5)(a).

150 (6) The State Board of Education shall evaluate a proposal based on:

151 (a) whether the home-based educational technology program meets the standards  
152 specified in Subsection (4);

153 (b) the results of an independent evaluation of the home-based educational technology  
154 program;

155 (c) the experience of the home-based educational technology program provider; and

156 (d) the per pupil cost of the home-based educational technology program.

157 Section 3. Section **53F-4-403** is amended to read:

158 **53F-4-403. School district or private preschool provider participation in**  
 159 **UPSTART.**

160 ~~[(1)]~~ A school district may participate in UPSTART if the local school board agrees, or  
 161 a private preschool provider may participate in UPSTART if the private preschool provider  
 162 agrees, to work in cooperation with the contractor to provide administrative and technical  
 163 support for UPSTART.

164 ~~[(2) Family participants in UPSTART shall be solicited from school districts that~~  
 165 ~~participate in UPSTART.]~~

166 ~~[(3) A school district that participates in UPSTART shall:]~~

167 ~~[(a) receive funding for:]~~

168 ~~[(i) paraprofessional and technical support staff; and]~~

169 ~~[(ii) travel, materials, and meeting costs of the program;]~~

170 ~~[(b) participate in program training by the contractor; and]~~

171 ~~[(c) agree to adopt standardized policies and procedures in implementing UPSTART.]~~

172 Section 4. Section **53F-4-404** is amended to read:

173 **53F-4-404. Family participation in UPSTART -- Priority enrollment.**

174 (1) The contractor shall:

175 (a) solicit families to participate in UPSTART through a public information campaign  
 176 and referrals from participating school districts; and

177 (b) work with the Department of Workforce Services and the State Board of Education  
 178 to solicit participation from families of ~~[children experiencing intergenerational poverty, as~~  
 179 ~~defined in Section 35A-9-102;]~~ qualifying participants to participate in UPSTART.

180 (2) ~~[(a)]~~ Preschool children who participate in UPSTART shall:

181 ~~[(1)]~~ (a) be from families with diverse socioeconomic and ethnic backgrounds;

182 ~~[(2)]~~ (b) reside in different regions of the state in both urban and rural areas; and

183 ~~[(3)]~~ (c) be given preference to participate, if the preschool ~~[child's family resides in a~~  
 184 ~~rural area with limited prekindergarten services]~~ children are qualifying participants.

185 ~~[(b) (i) If the number of families who would like to participate in UPSTART exceeds~~  
 186 ~~the number of participants funded by the legislative appropriation, the contractor shall give~~  
 187 ~~priority to preschool children from low income families and preschool children who are~~

188 English language learners.]

189 ~~[(ii) At least 30% of the preschool children who participate in UPSTART shall be from~~  
190 ~~low income families.]~~

191 ~~[(3) A low income family that cannot afford a computer and Internet service to operate~~  
192 ~~the instructional software]~~

193 (3) (a) In a contract entered into with an educational technology provider as described  
194 in Section 53F-4-402, the State Board of Education shall require the provider to prioritize  
195 enrollment of qualified participants based on a first come, first served basis.

196 (b) The State Board of Education shall provide a list of qualifying schools and  
197 qualifying preschools and other applicable information to the contractor for verification of  
198 qualifying participants.

199 (c) The contractor shall annually provide participant information to the State Board of  
200 Education as part of the verification process.

201 (d) A qualifying participant may obtain a computer and peripheral equipment on loan  
202 and receive free Internet service for the duration of the [family's] qualified participant's  
203 participation in UPSTART[-] if the qualifying participant:

204 (i) cannot afford a computer and Internet service to operate the instructional software;  
205 and

206 (ii) the qualifying participant participates in UPSTART at home.

207 (4) (a) The contractor shall make the home-based educational technology program  
208 available to families at a cost agreed upon by the State Board of Education and the contractor if  
209 the number of families who would like to participate in UPSTART exceeds the number of  
210 participants funded by the legislative appropriation.

211 (b) The State Board of Education and the contractor shall annually post on their  
212 websites information on purchasing a home-based educational technology program as provided  
213 in Subsection (4)(a).

214 ~~[(5)(a) The contractor shall:]~~

215 ~~[(i) determine if a family is a low income family for purposes of this part; and]~~

216 ~~[(ii) use the same application form as described in Section 35A-9-401 or create an~~  
217 ~~application form that requires an individual to provide and certify the information necessary for~~  
218 ~~the contractor to make the determination described in Subsection (5)(a)(i).]~~

219 ~~[(b) The contractor may:]~~  
220 ~~[(i) require an individual to submit supporting documentation; and]~~  
221 ~~[(ii) create a deadline for an individual to submit an application, if necessary.]~~

222 Section 5. Section **53F-4-405** is amended to read:

223 **53F-4-405. Purchase of equipment and service through cooperative purchasing**  
224 **contracts.**

225 The State Board of Education or a school district may purchase computers, peripheral  
226 equipment, and Internet service for ~~[low income families]~~ qualifying participants who cannot  
227 afford them through cooperative purchasing contracts administered by the state Division of  
228 Purchasing and General Services.

229 Section 6. Section **53F-4-406** is amended to read:

230 **53F-4-406. Audit and evaluation.**

231 (1) The state auditor shall:

232 (a) conduct an annual audit of the contractor's use of funds for UPSTART; or  
233 (b) contract with an independent certified public accountant to conduct an annual audit.

234 (2) The State Board of Education shall:

235 (a) require by contract that the contractor will open its books and records relating to its  
236 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;

237 (b) reimburse the state auditor for the actual and necessary costs of the audit; and

238 (c) contract with an independent, qualified evaluator, selected through a request for  
239 proposals process, to evaluate the home-based educational technology program for preschool  
240 children.

241 (3) The evaluator described in Subsection (2)(c) shall use, among other indicators,  
242 assessment scores from an assessment described in Section 53F-4-205 to evaluate whether the  
243 contractor has effectively prepared preschool children for academic success as described in  
244 Section 53F-4-402.

245 ~~[(3)]~~ (4) Of the money appropriated by the Legislature for UPSTART, excluding funds  
246 used to provide computers, peripheral equipment, and Internet service to families, no more than  
247 7.5% may be used for the evaluation and administration of the program.

248 Section 7. Section **53F-4-407** is amended to read:

249 **53F-4-407. Annual report.**

250 (1) The State Board of Education shall make a report on UPSTART to the Education  
251 Interim Committee by November 30 each year.

252 (2) The report shall:

253 (a) address the extent to which UPSTART is accomplishing the purposes for which it  
254 was established as specified in Section 53F-4-402; and

255 (b) include the following information:

256 (i) the number of families:

257 (A) volunteering to participate in the program;

258 (B) selected to participate in the program;

259 (C) requesting computers; and

260 (D) furnished computers;

261 (ii) the number of private preschool providers and public preschools participating in  
262 the program;

263 [~~(ii)~~] (iii) the frequency of use of the instructional software;

264 [~~(iii)~~] (iv) obstacles encountered with software usage, hardware, or providing technical  
265 assistance to families;

266 [~~(iv)~~] (v) student performance on pre-kindergarten and post-kindergarten assessments  
267 conducted by school districts and charter schools for students who participated in the  
268 home-based educational technology program and those who did not participate in the program;  
269 and

270 [~~(v)~~] (vi) as available, the evaluation of the program conducted pursuant to Section  
271 53F-4-406.