

EARLY LEARNING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill addresses requirements and funding for optional enhanced kindergarten.

Highlighted Provisions:

This bill:

- ▶ amends provisions regarding funding for enhanced kindergarten early intervention programs to require assessment outcomes for an LEA to receive continued funding distributions;
- ▶ moves a requirement for kindergarten entry and exit assessments between programs;
- ▶ repeals an expiring kindergarten program; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-15-102, as last amended by Laws of Utah 2019, Chapters 136, 186 and renumbered and amended by Laws of Utah 2019, Chapter 342 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 342

53E-4-314, as last amended by Laws of Utah 2019, Chapters 186 and 342

53F-2-507, as last amended by Laws of Utah 2019, Chapter 186

53F-4-406, as last amended by Laws of Utah 2019, Chapters 186 and 342

REPEALS:

53F-4-205, as last amended by Laws of Utah 2019, Chapter 186

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

Section 1. Section **35A-15-102** is amended to read:

33 **35A-15-102. Definitions.**

34 As used in this chapter:

35 (1) "Board" means the School Readiness Board, created in Section 35A-15-201.

36 (2) "Economically disadvantaged" means to be eligible to receive free or reduced price
37 lunch.

38 (3) "Eligible home-based educational technology provider" means a provider that
39 offers a home-based educational technology program to develop the school readiness skills of
40 an eligible student.

41 (4) (a) "Eligible LEA" means an LEA that has a data system capacity to collect
42 longitudinal academic outcome data, including special education use by student, by identifying
43 each student with a statewide unique student identifier.

44 (b) "Eligible LEA" includes a program exempt from licensure under Subsection
45 26-39-403(2)(c).

46 (5) (a) "Eligible private provider" means a child care program that:

47 (i) is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or

48 (ii) except as provided in Subsection (5)(b)(ii), is exempt from licensure under Section
49 26-39-403.

50 (b) "Eligible private provider" does not include:

51 (i) residential child care, as defined in Section 26-39-102; or

52 (ii) a program exempt from licensure under Subsection 26-39-403(2)(c).

53 (6) "Eligible student" means a student:

54 (a) (i) who is age three, four, or five; and

55 (ii) is not eligible for enrollment under Subsection 53G-4-402(6); and

56 (b) (i) (A) who is economically disadvantaged; and

57 (B) whose parent or legal guardian reports that the student has experienced at least one
58 risk factor; or

59 (ii) is an English learner.

60 (7) "Evaluation" means an evaluation conducted in accordance with Section
61 35A-15-303.

62 (8) "High quality school readiness program" means a preschool program that:

63 (a) is provided by an eligible LEA, eligible private provider, or eligible home-based

64 educational technology provider; and

65 (b) meets the elements of a high quality school readiness program described in Section
66 35A-15-202.

67 (9) "Investor" means a person that enters into a results-based contract to provide
68 funding to a high quality school readiness program on the condition that the person will receive
69 payment in accordance with Section 35A-15-402 if the high quality school readiness program
70 meets the performance outcome measures included in the results-based contract.

71 (10) "Kindergarten assessment" means the kindergarten entry assessment described in
72 Section [~~53F-4-205~~] 53F-2-507.

73 (11) "Kindergarten transition plan" means a plan that supports the smooth transition of
74 a preschool student to kindergarten and includes communication and alignment among the
75 preschool, program, parents, and K-12 personnel.

76 (12) "Local Education Agency" or "LEA" means a school district or charter school.

77 (13) "Performance outcome measure" means:

78 (a) indicators, as determined by the board, on the school readiness assessment and the
79 kindergarten assessment; or

80 (b) for a results-based contract, the indicators included in the contract.

81 (14) "Results-based contract" means a contract that:

82 (a) is entered into in accordance with Section 35A-15-402;

83 (b) includes a performance outcome measure; and

84 (c) is between the board, a provider of a high quality school readiness program, and an
85 investor.

86 (15) "Risk factor" means:

87 (a) having a mother who was 18 years old or younger when the child was born;

88 (b) a member of a child's household is incarcerated;

89 (c) living in a neighborhood with high violence or crime;

90 (d) having one or both parents with a low reading ability;

91 (e) moving at least once in the past year;

92 (f) having ever been in foster care;

93 (g) living with multiple families in the same household;

94 (h) having exposure in a child's home to:

- 95 (i) physical abuse or domestic violence;
- 96 (ii) substance abuse;
- 97 (iii) the death or chronic illness of a parent or sibling; or
- 98 (iv) mental illness;
- 99 (i) the primary language spoken in a child's home is a language other than English; or
- 100 (j) having at least one parent who has not completed high school.
- 101 (16) "School readiness assessment" means the same as that term is defined in Section
- 102 53E-4-314.
- 103 (17) "Tool" means the tool developed in accordance with Section 35A-15-303.
- 104 Section 2. Section **53E-4-314** is amended to read:
- 105 **53E-4-314. School readiness assessment.**
- 106 (1) As used in this section:
- 107 (a) "School readiness assessment" means a preschool entry and exit profile that
- 108 measures literacy, numeracy, and lifelong learning practices developed in a student.
- 109 (b) "School readiness program" means a preschool program:
- 110 (i) in which a student participates in the year before the student is expected to enroll in
- 111 kindergarten; and
- 112 (ii) that receives funding under Title 35A, Chapter 15, Preschool Programs.
- 113 (2) The state board shall develop a school readiness assessment that aligns with the
- 114 kindergarten entry and exit assessment described in Section [~~53F-4-205~~] 53F-2-507.
- 115 (3) A school readiness program shall:
- 116 (a) except as provided in Subsection (4), administer to each student who participates in
- 117 the school readiness program the school readiness assessment at the beginning and end of the
- 118 student's participation in the school readiness program; and
- 119 (b) report the results of the assessments described in Subsection (3)(a) or (4) to the
- 120 School Readiness Board created in Section 35A-15-201.
- 121 (4) In place of the assessments described in Subsection (3)(a), a school readiness
- 122 program that is offered through home-based technology may administer to each student who
- 123 participates in the school readiness program:
- 124 (a) a validated computer adaptive pre-assessment at the beginning of the student's
- 125 participation in the school readiness program; and

126 (b) a validated computer adaptive post-assessment at the end of the student's
127 participation in the school readiness program.

128 Section 3. Section **53F-2-507** is amended to read:

129 **53F-2-507. Enhanced kindergarten early intervention program.**

130 (1) The state board shall, as described in Subsection (4), distribute funds appropriated
131 under this section for an enhanced kindergarten program described in Subsection (2), to school
132 districts and charter schools that apply for the funds.

133 (2) An LEA governing board shall use funds appropriated in this section for a school
134 district or charter school to offer an early intervention program, delivered through an enhanced
135 kindergarten program that:

136 (a) is an academic program focused on building age-appropriate literacy and numeracy
137 skills;

138 (b) uses an evidence-based early intervention model;

139 (c) is targeted to at-risk students; and

140 (d) is delivered through additional hours or other means.

141 (3) An LEA governing board may not require a student to participate in an enhanced
142 kindergarten program described in Subsection (2).

143 (4) ~~[The]~~ Subject to Subsection (6), the state board shall distribute funds appropriated
144 under this section for an enhanced kindergarten program described in Subsection (2) as
145 follows:

146 (a) (i) the total allocation for charter schools shall be calculated by:

147 (A) dividing the number of charter school students by the total number of students in
148 the public education system in the prior school year; and

149 (B) multiplying the resulting percentage by the total amount of available funds; and

150 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter
151 schools with the greatest need for an enhanced kindergarten program, as determined by the
152 state board in consultation with the State Charter School Board;

153 (b) each school district shall receive the amount calculated by:

154 (i) multiplying the value of the weighted pupil unit by 0.45; and

155 (ii) multiplying the result by 20; and

156 (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)

157 are made, shall be distributed to applicant school districts by:

158 (i) determining the number of students eligible to receive free lunch in the prior school
159 year for each school district; and

160 (ii) prorating the remaining funds based on the number of students eligible to receive
161 free lunch in each school district.

162 (5) (a) The state board shall:

163 (i) develop and collect data from kindergarten entry and exit assessments; and

164 (ii) make rules regarding the administration of and reporting regarding the assessments.

165 (b) An LEA shall administer the entry and exit assessments described in Subsection
166 (5)(a) to each kindergarten student.

167 (6) For an LEA that receives funds under Subsection (4):

168 (a) the LEA shall report to the state board the results of the entry and exit assessments
169 described in Subsection (5)(a) in relation to each kindergarten student in the LEA; and

170 (b) the LEA is not eligible for subsequent distributions under Subsection (4) unless the
171 results of the entry and exit assessments demonstrate successful outcomes of the LEA's
172 enhanced kindergarten program, as determined by the board.

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

174 **53F-4-406. Audit and evaluation.**

175 (1) The state auditor shall every three years:

176 (a) conduct an audit of the contractor's use of funds for UPSTART; or

177 (b) contract with an independent certified public accountant to conduct an audit.

178 (2) The state board shall:

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

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

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

185 (3) The evaluator described in Subsection (2)(c) shall use, among other indicators,
186 assessment scores from an assessment described in Section [~~53F-4-205~~] 53F-2-507 to evaluate
187 whether the contractor has effectively prepared preschool children for academic success as

188 described in Section 53F-4-402.

189 (4) Of the money appropriated by the Legislature for UPSTART, excluding funds used
190 to provide computers, peripheral equipment, and Internet service to families, no more than
191 7.5% of the appropriation not to exceed \$600,000 may be used for the evaluation and
192 administration of the program.

193 Section 5. **Repealer.**

194 This bill repeals:

195 Section **53F-4-205, Kindergarten supplemental enrichment program.**