

Effective 5/14/2019

**Part 1
General Provisions**

35A-15-101 Title.

This chapter is known as "Preschool Programs."

Enacted by Chapter 342, 2019 General Session

Effective until 7/1/2024

35A-15-102 Definitions.

As used in this chapter:

- (1) "Board" means the School Readiness Board, created in Section 35A-15-201.
- (2) "Economically disadvantaged" means to be eligible to receive free or reduced price lunch.
- (3) "Eligible home-based educational technology provider" means a provider that offers a home-based educational technology program to develop the school readiness skills of an eligible student.
- (4)
 - (a) "Eligible LEA" means an LEA that has a data system capacity to collect longitudinal academic outcome data, including special education use by student, by identifying each student with a statewide unique student identifier.
 - (b) "Eligible LEA" includes a program exempt from licensure under Subsection 26B-2-405(2)(e).
- (5)
 - (a) "Eligible private provider" means a child care program that:
 - (i) is licensed under Title 26B, Chapter 2, Part 4, Child Care Licensing; or
 - (ii) except as provided in Subsection (5)(b)(ii), is exempt from licensure under Section 26B-2-405.
 - (b) "Eligible private provider" does not include:
 - (i) residential child care, as defined in Section 26B-2-401; or
 - (ii) a program exempt from licensure under Subsection 26B-2-405(2)(e).
- (6) "Eligible student" means a student:
 - (a)
 - (i) who is age three, four, or five; and
 - (ii) is not eligible for enrollment under Subsection 53G-4-402(8); and
 - (b)
 - (i)
 - (A) who is economically disadvantaged; and
 - (B) whose parent or legal guardian reports that the student has experienced at least one risk factor;
 - (ii) is an English learner; or
 - (iii) is in foster care.
- (7) "Evaluation" means an evaluation conducted in accordance with Section 35A-15-303.
- (8) "High quality school readiness program" means a preschool program that:
 - (a) is provided by an eligible LEA, eligible private provider, or eligible home-based educational technology provider; and
 - (b) meets the elements of a high quality school readiness program described in Section 35A-15-202.

- (9) "Investor" means a person that enters into a results-based contract to provide funding to a high quality school readiness program on the condition that the person will receive payment in accordance with Section 35A-15-402 if the high quality school readiness program meets the performance outcome measures included in the results-based contract.
- (10) "Kindergarten assessment" means the kindergarten entry assessment described in Section 53G-7-203.
- (11) "Kindergarten transition plan" means a plan that supports the smooth transition of a preschool student to kindergarten and includes communication and alignment among the preschool, program, parents, and K-12 personnel.
- (12) "Local Education Agency" or "LEA" means a school district or charter school.
- (13) "Performance outcome measure" means:
 - (a) indicators, as determined by the board, on the school readiness assessment and the kindergarten assessment; or
 - (b) for a results-based contract, the indicators included in the contract.
- (14) "Results-based contract" means a contract that:
 - (a) is entered into in accordance with Section 35A-15-402;
 - (b) includes a performance outcome measure; and
 - (c) is between the board, a provider of a high quality school readiness program, and an investor.
- (15) "Risk factor" means:
 - (a) having a mother who was 18 years old or younger when the child was born;
 - (b) a member of a child's household is incarcerated;
 - (c) living in a neighborhood with high violence or crime;
 - (d) having one or both parents with a low reading ability;
 - (e) moving at least once in the past year;
 - (f) having ever been in foster care;
 - (g) living with multiple families in the same household;
 - (h) having exposure in a child's home to:
 - (i) physical abuse or domestic violence;
 - (ii) substance abuse;
 - (iii) the death or chronic illness of a parent or sibling; or
 - (iv) mental illness;
 - (i) the primary language spoken in a child's home is a language other than English; or
 - (j) having at least one parent who has not completed high school.
- (16) "School readiness assessment" means the same as that term is defined in Section 53E-4-314.
- (17) "Tool" means the tool developed in accordance with Section 35A-15-303.

Amended by Chapter 252, 2023 General Session

Amended by Chapter 328, 2023 General Session

Effective 7/1/2024

35A-15-102 Definitions.

As used in this chapter:

- (1) "Department" means the Department of Workforce Services.
- (2) "Economically disadvantaged" means to be eligible to receive free or reduced price lunch.
- (3)
 - (a) "Eligible LEA" means an LEA that collects longitudinal academic outcome data, including special education use by student, by identifying each student with a statewide unique student identifier.

- (b) "Eligible LEA" includes a program exempt from licensure under Subsection 26B-2-405(2)(e).
- (4)
 - (a) "Eligible private provider" means a child care program that:
 - (i) is licensed under Title 26B, Chapter 2, Part 4, Child Care Licensing; or
 - (ii) except as provided in Subsection (4)(b)(ii), is exempt from licensure under Section 26B-2-405.
 - (b) "Eligible private provider" does not include:
 - (i) residential child care, as defined in Section 26B-2-401; or
 - (ii) a program exempt from licensure under Subsection 26B-2-405(2)(e).
- (5) "Eligible student" means a student:
 - (a)
 - (i) who is three, four, or five years old; and
 - (ii) is not eligible for enrollment under Subsection 53G-4-402(8); and
 - (b)
 - (i) who is economically disadvantaged;
 - (ii) whose parent or legal guardian reports that the student has experienced at least one risk factor;
 - (iii) is an English learner; or
 - (iv) has ever been in foster care.
- (6) "Evaluation" means an evaluation conducted in accordance with Section 35A-15-303.
- (7) "High quality school readiness program" means a preschool program that:
 - (a) is provided by an eligible LEA or eligible private provider; and
 - (b) meets the elements of a high quality school readiness program described in Section 35A-15-202.
- (8) "Investor" means a person that enters into a results-based contract to provide funding to a high quality school readiness program on the condition that the person will receive payment in accordance with Section 35A-15-402 if the high quality school readiness program meets the performance outcome measures included in the results-based contract.
- (9) "Kindergarten transition plan" means a plan that supports the smooth transition of a preschool student to kindergarten and includes communication and alignment among the preschool, program, parents, and K-12 personnel.
- (10) "Local Education Agency" or "LEA" means a school district or charter school.
- (11) "Performance outcome measure" means:
 - (a) indicators, as determined by the department, on the school readiness assessment; or
 - (b) for a results-based contract, the indicators included in the contract.
- (12) "Results-based contract" means a contract that:
 - (a) is entered into in accordance with Section 35A-15-402;
 - (b) includes a performance outcome measure; and
 - (c) is between the department, a provider of a high quality school readiness program, and an investor.
- (13) "Risk factor" means:
 - (a) having a mother who was 18 years old or younger when the child was born;
 - (b) a member of a child's household is incarcerated;
 - (c) living in a neighborhood with high violence or crime;
 - (d) having one or both parents with a low reading ability;
 - (e) moving at least once in the past year;
 - (f) living with multiple families in the same household;
 - (g) having exposure in a child's home to:

- (i) physical abuse or domestic violence;
 - (ii) substance abuse;
 - (iii) the death or chronic illness of a parent or sibling; or
 - (iv) mental illness; or
 - (h) having at least one parent who has not completed high school.
- (14) "School readiness assessment" means the same as that term is defined in Section 53E-4-314.
- (15) "School readiness team" means a team comprised of staff from:
- (a) the Department of Workforce Services' Office of Child Care that support preschool and early care programs; and
 - (b) the state board that oversees preschool programs.
- (16) "State board" means the State Board of Education.
- (17) "Tool" means the tool developed in accordance with Section 35A-15-303.

Amended by Chapter 525, 2024 General Session