

**Effective 5/3/2023**

## **Chapter 20 Upstart**

### **63N-20-101 Definitions.**

As used in this part:

- (1) "Contractor" means the educational technology provider that the Governor's Office of Economic Opportunity selects under Section 63N-20-102.
- (2) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.
- (3) "Preschool child" means a child who is:
  - (a) four or five years old; and
  - (b) not eligible for enrollment under Subsection 53G-4-402(8).
- (4)
  - (a) "Private preschool provider" means a child care program that:
    - (i)
      - (A) is licensed under Title 26B, Chapter 2, Part 4, Child Care Licensing or, except as provided in Subsection (4)(b), is exempt from licensure under Section 26B-2-405; and
      - (B) meets other criteria as established by the office, consistent with Utah Constitution, Article X, Section 1; or
    - (ii) is a residential certificate provider described in Section 26B-2-404.
  - (b) "Private preschool provider" does not include a program exempt from licensure under Subsection 26B-2-405(2)(c).
- (5) "Public preschool" means a preschool program that is provided by a school district, a charter school, or the Head Start program.
- (6) "State board" means the State Board of Education.
- (7) "UPSTART" means the statewide program created in Section 63N-20-102 that uses a home-based educational technology program and parent engagement to develop school readiness skills of preschool children.

Amended by Chapter 252, 2023 General Session

Amended by Chapter 328, 2023 General Session

Renumbered and Amended by Chapter 380, 2023 General Session

### **63N-20-102 UPSTART program to develop school readiness skills of preschool children.**

- (1) UPSTART, a statewide program that uses a home-based educational technology program and parent engagement to develop school readiness skills of preschool children, is established within the public education system.
- (2) UPSTART is created to:
  - (a) provide preschool children across the state access to a home-based educational technology program with strong parental involvement;
  - (b) develop the school readiness of preschool children across the state; and
  - (c) deliver curriculum in reading, math, and science to preschool children across the state.
- (3)
  - (a) The office shall contract with an educational technology provider, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, for the delivery of a home-based educational technology program for preschool children that meets the requirements of Subsection (4).

- (b) The office shall assume the rights and duties of the state board in any contract into which the state board entered with a contractor that exists on May 3, 2023:
  - (i) to ensure continuity of the UPSTART program; and
  - (ii) until the office secures a contract with a contractor in accordance with Subsection (3)(a).
- (c) Every five years, the office may issue a new competitive procurement to meet the requirements described in this section.
- (4) The office shall ensure that a home-based educational technology program for preschool children meets the following standards:
  - (a) the contractor shall have:
    - (i) at least three years of experience in implementing a home-based educational technology program for preschool children; and
    - (ii) a randomized controlled trial and other external evaluations that support the efficacy of the home-based educational technology program for preschool children;
  - (b) the contractor shall provide individualized software instruction for preschool children in the home;
  - (c) the contractor shall:
    - (i) provide technical support to families for the installation and operation of the instructional software; and
    - (ii) provide for the installation of a computer, a tablet, or other electronic or peripheral equipment, and Internet access:
      - (A) in homes of participants who are eligible to receive free or reduced lunch; and
      - (B) for participating private preschool providers, including residential certificate providers, based upon need;
  - (d) the contractor shall have the capability of doing the following through the Internet:
    - (i) communicating with parents;
    - (ii) updating the instructional software;
    - (iii) validating user access;
    - (iv) collecting usage data;
    - (v) storing research data; and
    - (vi) producing reports for parents, schools, and the Legislature;
  - (e) the program shall include the following components:
    - (i) individualized software instruction in reading, mathematics, and science that:
      - (A) aligns with the Utah core standards for preschool that the state board adopts;
      - (B) aligns with Head Start Early Learning Outcomes Framework implemented in accordance with the Head Start Act, 42 U.S.C. Sec. 9801 et seq.;
      - (C) the Council of Administrators of Special Education endorses; and
      - (D) meets the United States Department of Education benchmarks for evidence-based programs;
    - (ii) a multisensory reading tutoring program; and
    - (iii) a validated adaptive reading test that does not require the presence of trained adults to administer and is an accurate indicator of reading readiness of children who cannot read;
  - (f) the contractor shall have the capability to quickly and efficiently modify, improve, and support the product; and
  - (g) the contractor shall work in cooperation with public preschool or private preschool provider personnel who will provide administrative and technical support of the program as provided in Section 63N-20-103;
  - (h) the contractor shall implement the program throughout the state in both urban and rural areas as provided in Section 63N-20-104;

- (i) in implementing the home-based educational technology program, the contractor shall seek the advice and expertise from early childhood education professionals and stakeholders, including the Utah System of Higher Education, the state board, public and private preschool providers, local school board members, teachers, and parents on issues such as:
  - (i) soliciting families to participate in the program as provided in Section 63N-20-104;
  - (ii) providing training to families; and
  - (iii) motivating families to regularly use the instructional software.
- (5) The contract shall provide funding for a home-based educational technology program for preschool children, subject to the appropriation of money by the Legislature for UPSTART.
- (6) The office shall evaluate a proposal based only upon the following criteria:
  - (a) whether the home-based educational technology program meets the standards specified in Subsection (4) and Section 63N-20-104;
  - (b) audit and evaluation results under Section 63N-20-106, if:
    - (i) the office has previously awarded a contract to the home-based educational technology program provider under this part; or
    - (ii) the state board has previously awarded a contract to the home-based educational technology program provider for UPSTART;
  - (c) the results of an independent evaluation of the home-based educational technology program;
  - (d) the per pupil cost of the home-based educational technology program;
  - (e) any of the following specifically related to a criterion described in Subsections (6)(a) through (d):
    - (i) the experience of the home-based educational technology provider;
    - (ii) the demonstrated abilities of the home-based educational technology provider;
    - (iii) the general functionality of the home-based educational technology provider;
    - (iv) the implementation of the home-based educational technology provider; and
    - (v) the applicant's interview; and
- (7) In evaluating a competitive procurement under Subsection (6), the office may not subdivide a standard or criteria described in Subsection (4) or (6), including an item related to cost, to require information not required under this chapter.

Renumbered and Amended by Chapter 380, 2023 General Session

**63N-20-103 School district participation in UPSTART.**

- (1) A school district shall ensure that UPSTART is available to all schools within the school district.
- (2) A public or a private preschool provider may participate in UPSTART if the public or private preschool provider agrees to work in cooperation with the contractor to provide administrative and technical support for UPSTART.
- (3) Each local school board or public or private provider participating in UPSTART may enter into an agreement with a contractor to:
  - (a) dictate targets for program usage and terms for failure to meet those targets;
  - (b) determine data sharing terms; and
  - (c) agree to other reasonable terms required for successful implementation.

Renumbered and Amended by Chapter 380, 2023 General Session

**63N-20-104 Family participation in UPSTART -- Priority enrollment.**

- (1) The contractor shall, in partnership with the office,

solicit families to participate in UPSTART through a public information campaign, outreach programs, and referrals from local school districts, and participating preschool providers.

- (2) For purposes of Subsection (1), to the extent allowed by federal and state privacy laws, the Department of Workforce Services shall:
  - (a) identify preschool children and families across the state who may benefit from UPSTART; and
  - (b) provide information regarding UPSTART participation to the identified families.
- (3)
  - (a) In a contract entered into with an educational technology provider as described in Section 63N-20-102, the office shall require the provider to prioritize enrollment of participants based on a first come, first served basis.
  - (b) The contractor shall annually provide participant information to the office as part of the verification process.
  - (c) A participant may obtain a computer, a tablet, or other electronic or peripheral equipment on loan and receive free Internet service for the duration of the participant's participation in UPSTART if the participant:
    - (i) is eligible to receive free or reduced lunch; and
    - (ii) the participant participates in UPSTART at home.
- (4) In a contract with an educational technology provider as described in Section 63N-20-102, the office shall determine the cost of UPSTART based on the following:
  - (a) a defined recruitment plan to solicit families to participate in UPSTART, including through a public information campaign and referrals that prioritize participants who:
    - (i) are eligible for child care subsidies under the Child Care and Development Block Grant program, 42 U.S.C. Secs. 9857-9858r;
    - (ii) are eligible for a federally assisted meal program that provides funds to licensed child care centers as authorized under Section 53E-3-501; or
    - (iii) meet other criteria based on state need as the office establishes;
  - (b) adaptive software;
  - (c) parent engagement and resources;
  - (d) validated assessment;
  - (e) educational technology, including a computer, a tablet, or other electronic or peripheral equipment, and Internet for eligible participants; and
  - (f) reporting for stakeholders, including parents, schools, and the Legislature.
- (5) A preschool child may only participate in UPSTART through legislative funding once.

Renumbered and Amended by Chapter 380, 2023 General Session

**63N-20-106 Audit and evaluation.**

- (1) The state auditor shall every three years:
  - (a) conduct an audit of the contractor's use of funds for UPSTART; or
  - (b) contract with an independent certified public accountant to conduct an audit.
- (2) The office shall:
  - (a) require the contractor to open the contractor's books and records relating to the contractor's expenditure of funds to the state auditor or the state auditor's designee;
  - (b) reimburse the state auditor for the actual and necessary costs of the audit; and
  - (c) contract with an independent, qualified evaluator, selected through a request for proposals process, to evaluate the home-based educational technology program.

- (3) The evaluator described in Subsection (2)(c) shall use, among other indicators, assessment scores from an assessment described in Section 53G-7-203 to evaluate whether the contractor has effectively prepared preschool children for academic success as described in Section 63N-20-102.
- (4) Of the money appropriated by the Legislature for UPSTART, no more than 7.5% of the appropriation not to exceed \$600,000 may be used for the evaluation and administration of the program.

Renumbered and Amended by Chapter 380, 2023 General Session

**63N-20-107 Annual report.**

- (1) The office shall make a report on UPSTART in accordance with Section 53E-1-201.
- (2) The report shall:
  - (a) address the extent to which UPSTART is accomplishing the program's purposes as described in Section 63N-20-102; and
  - (b) include the following information:
    - (i) the number of families:
      - (A) participating in the program;
      - (B) who receive computers, tablets, or other electronic or peripheral equipment, and Internet service; and
    - (ii) the number of private preschool providers and public preschool providers participating in the program;
    - (iii) the frequency of use of the instructional software;
    - (iv) obstacles encountered with software usage, hardware, or providing technical assistance to families;
    - (v) student performance on entry and exit kindergarten assessments conducted by school districts and charter schools for students who participated in the home-based educational technology program and those who did not participate in the program; and
    - (vi) as available, the evaluation of the program conducted pursuant to Section 63N-20-106.

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