

Representative Curtis Oda proposes the following substitute bill:

FULL-DAY KINDERGARTEN

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kory M. Holdaway

Senate Sponsor: _____

6	Cosponsors:	David L. Hogue	Ronda Rudd Menlove
7	Ralph Becker	Fred R. Hunsaker	Carol Spackman Moss
8	Duane E. Bourdeaux	Bradley T. Johnson	Paul Ray
9	DeMar Bud Bowman	Patricia W. Jones	Ross I. Romero
10	Tim M. Cosgrove	Brad King	LaWanna Lou Shurtliff
11	Carl W. Duckworth	David Litvack	Mark A. Wheatley
12	James R. Gowans	Steven R. Mascaró	Larry B. Wiley
13	Neil A. Hansen	Rosalind J. McGee	

LONG TITLE

General Description:

This bill makes changes related to kindergarten.

Highlighted Provisions:

This bill:

- ▶ amends the minimum age at which a child may attend public school;
- ▶ establishes a program, administered by the State Board of Education, through which school districts and charter schools may provide voluntary full-day kindergarten;
- ▶ establishes program requirements and funding priorities;
- ▶ requires districts to report certain information on the program's outcomes to the State Board of Education; and
- ▶ requires the Superintendent of Public Instruction to report to the Education Interim Committee on the program.



28 **Monies Appropriated in this Bill:**

29 This bill appropriates as an ongoing appropriation subject to future budget constraints,
30 \$7,000,000 from the Uniform School Fund for fiscal year 2006-07 to the State Board of
31 Education.

32 **Other Special Clauses:**

33 This bill takes effect on July 1, 2006.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53A-3-402**, as last amended by Chapter 2, Laws of Utah 2005, First Special Session

37 **53A-12-101**, as enacted by Chapter 2, Laws of Utah 1988

38 ENACTS:

39 **53A-1a-801**, Utah Code Annotated 1953

40 **53A-1a-802**, Utah Code Annotated 1953

41 **53A-1a-803**, Utah Code Annotated 1953



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

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

45 **Part 8. Voluntary Full-day Kindergarten Program**

46 **53A-1a-801. Definitions.**

47 As used in this part:

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

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

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

54 **53A-1a-802. Voluntary full-day kindergarten program.**

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

58 (2) A school district shall coordinate program application, funding, administration, and

59 reporting for its schools that participate in the program.

60 (3) A charter school or school district:

61 (a) may not require a student to participate in full-day kindergarten;

62 (b) may not allow a four year old student to participate in full-day kindergarten; and

63 (c) shall offer part-day kindergarten for students not participating in the program,

64 including students who are four years old.

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

66 (a) annually conduct a kindergarten readiness assessment for incoming kindergarten

67 students prior to the beginning of the school year;

68 (b) ensure that:

69 (i) at least 85% of students enrolled in a full-day kindergarten class under this part are

70 students who have the greatest need for additional instruction, as determined by the

71 kindergarten readiness assessment; and

72 (ii) a full-day kindergarten class does not have more enrolled students than other

73 kindergarten classes in the school;

74 (c) utilize allocated funds to establish full-day kindergarten in the schools with greatest

75 need as measured by the percentage of students eligible for free lunch; and

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

77 (i) the number of students served;

78 (ii) the specific results achieved by the program, including any standardized testing or

79 district-directed assessment; and

80 (iii) challenges encountered in administering the program and suggestions for

81 improvement.

82 (5) Until 2011, the Superintendent of Public Instruction shall annually report to the

83 Education Interim Committee on the program, including a summary of information reported

84 under Subsection (4)(d).

85 (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,

86 and consistent with this part, the State Board of Education shall make rules establishing

87 application and reporting procedures necessary to administer this part.

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

89 **53A-1a-803. Voluntary full-day kindergarten program funding.**

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

92 (2) 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 full-day kindergarten, as determined by the State Board of Education in consultation
100 with the State Charter School Board.

101 (3) 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 (2)(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 (3)(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 Section 4. Section **53A-3-402** is amended to read:

115 **53A-3-402. Powers and duties generally.**

116 (1) Each local school board shall:

117 (a) implement the core curriculum utilizing instructional materials that best correlate to
118 the core curriculum and graduation requirements;

119 (b) administer tests, required by the State Board of Education, which measure the
120 progress of each student, and coordinate with the state superintendent and State Board of

121 Education to assess results and create plans to improve the student's progress which shall be
122 submitted to the State Office of Education for approval;

123 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
124 students that need remediation and determine the type and amount of federal, state, and local
125 resources to implement remediation;

126 (d) develop early warning systems for students or classes failing to make progress;

127 (e) work with the State Office of Education to establish a library of documented best
128 practices, consistent with state and federal regulations, for use by the local districts; and

129 (f) implement training programs for school administrators, including basic
130 management training, best practices in instructional methods, budget training, staff
131 management, managing for learning results and continuous improvement, and how to help
132 every child achieve optimal learning in core academics.

133 (2) Local school boards shall spend minimum school program funds for programs and
134 activities for which the State Board of Education has established minimum standards or rules
135 under Section 53A-1-402.

136 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
137 and equipment and construct, erect, and furnish school buildings.

138 (b) School sites or buildings may only be conveyed or sold on board resolution
139 affirmed by at least two-thirds of the members.

140 (4) (a) A board may participate in the joint construction or operation of a school
141 attended by children residing within the district and children residing in other districts either
142 within or outside the state.

143 (b) Any agreement for the joint operation or construction of a school shall:

144 (i) be signed by the president of the board of each participating district;

145 (ii) include a mutually agreed upon pro rata cost; and

146 (iii) be filed with the State Board of Education.

147 (5) A board may establish, locate, and maintain elementary, secondary, and applied
148 technology schools.

149 (6) A board may enroll children in school who are at least [~~five~~] four years of age
150 before September 2 of the year in which admission is sought.

151 (7) A board may establish and support school libraries.

152 (8) A board may collect damages for the loss, injury, or destruction of school property.

153 (9) A board may authorize guidance and counseling services for children and their
154 parents or guardians prior to, during, or following enrollment of the children in schools.

155 (10) (a) A board shall administer and implement federal educational programs in
156 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

157 (b) Federal funds are not considered funds within the school district budget under Title
158 53A, Chapter 19, School District Budgets.

159 (11) (a) A board may organize school safety patrols and adopt rules under which the
160 patrols promote student safety.

161 (b) A student appointed to a safety patrol shall be at least ten years old and have written
162 parental consent for the appointment.

163 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
164 of a highway intended for vehicular traffic use.

165 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
166 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
167 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

168 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
169 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
170 devises, or bequests that are made for educational purposes.

171 (b) These contributions are not subject to appropriation by the Legislature.

172 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
173 citations for violations of Subsection 76-10-105(2).

174 (b) A person may not be appointed to serve as a compliance officer without the
175 person's consent.

176 (c) A teacher or student may not be appointed as a compliance officer.

177 (14) A board shall adopt bylaws and rules for its own procedures.

178 (15) (a) A board shall make and enforce rules necessary for the control and
179 management of the district schools.

180 (b) All board rules and policies shall be in writing, filed, and referenced for public
181 access.

182 (16) A board may hold school on legal holidays other than Sundays.

183 (17) (a) Each board shall establish for each school year a school traffic safety
184 committee to implement this Subsection (17).

185 (b) The committee shall be composed of one representative of:

186 (i) the schools within the district;

187 (ii) the Parent Teachers' Association of the schools within the district;

188 (iii) the municipality or county;

189 (iv) state or local law enforcement; and

190 (v) state or local traffic safety engineering.

191 (c) The committee shall:

192 (i) receive suggestions from parents, teachers, and others and recommend school traffic
193 safety improvements, boundary changes to enhance safety, and school traffic safety program
194 measures;

195 (ii) review and submit annually to the Department of Transportation and affected
196 municipalities and counties a child access routing plan for each elementary, middle, and junior
197 high school within the district;

198 (iii) consult the Utah Safety Council and the Division of Family Health Services and
199 provide training to all school children in kindergarten through grade six, within the district, on
200 school crossing safety and use; and

201 (iv) help ensure the district's compliance with rules made by the Department of
202 Transportation under Section 41-6a-303.

203 (d) The committee may establish subcommittees as needed to assist in accomplishing
204 its duties under Subsection (17)(c).

205 (e) The board shall require the school community council of each elementary, middle,
206 and junior high school within the district to develop and submit annually to the committee a
207 child access routing plan.

208 (18) (a) Each school board shall adopt and implement a comprehensive emergency
209 response plan to prevent and combat violence in its public schools, on school grounds, on its
210 school vehicles, and in connection with school-related activities or events.

211 (b) The board shall implement its plan by July 1, 2000.

212 (c) The plan shall:

213 (i) include prevention, intervention, and response components;

214 (ii) be consistent with the student conduct and discipline polices required for school
215 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

216 (iii) require inservice training for all district and school building staff on what their
217 roles are in the emergency response plan; and

218 (iv) provide for coordination with local law enforcement and other public safety
219 representatives in preventing, intervening, and responding to violence in the areas and activities
220 referred to in Subsection (18)(a).

221 (d) The State Board of Education, through the state superintendent of public
222 instruction, shall develop comprehensive emergency response plan models that local school
223 boards may use, where appropriate, to comply with Subsection (18)(a).

224 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
225 Education that its plan has been practiced at the school level and presented to and reviewed by
226 its teachers, administrators, students, and their parents and local law enforcement and public
227 safety representatives.

228 (19) (a) Each local school board may adopt an emergency response plan for the
229 treatment of sports-related injuries that occur during school sports practices and events.

230 (b) The plan may be implemented by each secondary school in the district that has a
231 sports program for students.

232 (c) The plan may:

233 (i) include emergency personnel, emergency communication, and emergency
234 equipment components;

235 (ii) require inservice training on the emergency response plan for school personnel who
236 are involved in sports programs in the district's secondary schools; and

237 (iii) provide for coordination with individuals and agency representatives who:

238 (A) are not employees of the school district; and

239 (B) would be involved in providing emergency services to students injured while
240 participating in sports events.

241 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
242 review the plan each year and make revisions when required to improve or enhance the plan.

243 (e) The State Board of Education, through the state superintendent of public
244 instruction, shall provide local school boards with an emergency plan response model that local

245 boards may use to comply with the requirements of this Subsection (19).

246 (20) A board shall do all other things necessary for the maintenance, prosperity, and
247 success of the schools and the promotion of education.

248 Section 5. Section **53A-12-101** is amended to read:

249 **53A-12-101. Schools to be free -- Age limitations.**

250 (1) Except as otherwise provided in Title 53A, in each school district the public
251 schools shall be free to all children between [~~five~~] four and 18 years of age who are residents of
252 the district, and also to persons over 18 who are domiciled in the state of Utah and have not
253 completed high school.

254 (2) A person over the age of 18 taking courses under this section must declare an intent
255 to complete requirements for a high school diploma. All courses taken must lead toward that
256 diploma and must be approved by those directly responsible for administering the program.

257 (3) A person required to pay tuition under this section may have the tuition waived
258 under Section 53A-15-404.

259 Section 6. **Appropriation.**

260 As an ongoing appropriation subject to future budget constraints, there is appropriated
261 from the Uniform School Fund for fiscal year 2006-07, \$7,000,000 to the State Board of
262 Education, for allocation to school districts and charter schools pursuant to Section
263 53A-1a-803.

264 Section 7. **Effective date.**

265 This bill takes effect on July 1, 2006.