

EARLY CHILDHOOD EDUCATION

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Osmond

House Sponsor: Ronda Rudd Menlove

LONG TITLE

General Description:

This bill creates the High Quality Preschool Pilot Program in which grants are given to qualifying education agencies to implement certain preschool programs.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes the High Quality Preschool Pilot Program to fund certain preschool programs ~~that serve~~ that serve ~~at-risk~~ intergenerational poverty students;
- ▶ details components of high quality preschools that schools shall adopt to receive funding;
- ▶ requires the State Board of Education to:
 - solicit proposals from qualifying education agencies to receive the grants;
 - award grants for preschool programs;
 - monitor and evaluate the programs;
 - award one-time grants for computer labs, hardware, and software to be used by eligible students and their parents; and
 - develop policies and enact rules;
- ▶ establishes reporting requirements; and
- ▶ provides for partnerships with private providers.

Money Appropriated in this Bill:



28 This bill appropriates:

29 ▶ to the State Board of Education - Utah State Office of Education - Initiative
30 Programs, as an ongoing appropriation:

31 • from the Education Fund, \$→ [~~\$6,000,000~~] \$3,000,000 ←\$.

32 **Other Special Clauses:**

33 This bill provides an effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **63I-2-253**, as last amended by Laws of Utah 2013, Chapters 173 and 434

37 ENACTS:

38 **53A-1a-1101**, Utah Code Annotated 1953

39 **53A-1a-1102**, Utah Code Annotated 1953

40 **53A-1a-1103**, Utah Code Annotated 1953

41 **53A-1a-1104**, Utah Code Annotated 1953

42 **53A-1a-1105**, Utah Code Annotated 1953

43 **53A-1a-1106**, Utah Code Annotated 1953

44 **53A-1a-1107**, Utah Code Annotated 1953

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

47 Section 1. Section **53A-1a-1101** is enacted to read:

48 **Part 11. High Quality Preschool Pilot Program**

49 **53A-1a-1101. High Quality Preschool Pilot Program.**

50 This part is known as the "High Quality Preschool Pilot Program."

51 Section 2. Section **53A-1a-1102** is enacted to read:

52 **53A-1a-1102. Legislative findings.**

53 (1) The Legislature reaffirms its findings in Section **53A-6-102** and states that the
54 primary responsibility for the education of children within the state resides with parents or
55 guardians and that the role of state and local governments is to support and assist parents in
56 fulfilling that responsibility.

57 (2) The Legislature finds that:

58 (a) most preschool-age children are better off when educated at home by the children's

59 parents or guardians;

60 (b) there is evidence that some targeted at-risk preschool-age children benefit from
61 access to high quality early education programs;

62 (c) high quality early education programs for at-risk children represent special and
63 limited services, which are only appropriate when they are voluntary educational options for
64 parents or guardians of at-risk children; and

65 (d) in establishing these special and limited services, state and local governments
66 should emphasize the importance of the parent as the child's first and most important teacher,
67 and should encourage parents to engage in the education of children at home.

68 Section 3. Section **53A-1a-1103** is enacted to read:

69 **53A-1a-1103. Definitions.**

70 As used in this part:

71 (1) "Board" means the State Board of Education.

72 ~~Ŝ →~~ ~~**(2) "Economically disadvantaged" means a student who:**~~

73 ~~—— **(a) is eligible to receive free lunch;**~~

74 ~~—— **(b) is eligible to receive reduced price lunch; or**~~

75 ~~—— **(c) (i) is not otherwise accounted for in Subsection (2)(a) or (b); and**~~

76 ~~—— **(ii) (A) is enrolled in a Provision 2 or Provision 3 school, as defined by the United**~~
77 ~~**States Department of Agriculture;**~~

78 ~~—— **(B) has a Declaration of Household Income on file;**~~

79 ~~—— **(C) is eligible for a fee waiver; or**~~

80 ~~—— **(D) is enrolled at a school that does not offer a lunch program and is a sibling of a**~~
81 ~~**student accounted for in Subsection (2)(a) or (b);**~~

82 ~~—— **(3)**~~ ~~**(2) ←**~~ ~~Ŝ~~ "Eligible LEA" means an LEA that:

83 (a) receives federal money under Title I of the No Child Left Behind Act of 2001, 20
84 U.S.C. Sec. 6301-6578, for a school-wide or targeted assistance program;

85 (b) agrees to fund a portion of its preschool program with federal funds described in
86 Subsection (3)(a); and

87 (c) has a data system capacity to collect longitudinal academic outcome data, including
88 special education use by student, by identifying each student with a statewide unique student
89 identifier.

90 ~~§~~→ ~~[(4)] (3)~~ ←~~§~~ (a) "Eligible private provider" means a child care program that:

91 (i) (A) except as provided in Subsection ~~§~~→ ~~[(4)] (3)~~ ←~~§~~ (b), is licensed under Title 26,
91a Chapter 39,

92 Utah Child Care Licensing Act; or

93 (B) is exempt from licensure under Section [26-39-403](#); and

94 (ii) meets other criteria as established by the board, consistent with Utah Constitution
95 Article X, Section 1.

96 (b) "Eligible private provider" does not include residential child care, as defined in
97 Section [26-39-102](#).

98 ~~§~~→ ~~[(5)] (4)~~ ←~~§~~ "Eligible student" means a student who:

99 (a) lives in the attendance boundaries of an eligible LEA; ~~§~~→ **and** ←~~§~~

100 ~~§~~→ ~~[(b) is economically disadvantaged; and~~

101 ~~——(e)] (b)~~ ←~~§~~ ~~§~~→ ~~[(f)]~~ ←~~§~~ is classified as a child affected by intergenerational poverty; ~~§~~→
101a [~~or~~]. ←~~§~~

102 ~~§~~→ ~~[(ii) (A) is classified as an English language learner; and~~

103 ~~——(B) scores below average on an age-appropriate pre-assessment selected by an eligible~~
104 ~~LEA;]~~ ←~~§~~

105 ~~§~~→ ~~[(6)] (5)~~ ←~~§~~ "Intergenerational poverty" has the same meaning as in Section [35A-9-102](#).

106 ~~§~~→ ~~[(7)] (6)~~ ←~~§~~ "Local Education Agency" or "LEA" means a school district or charter
106a school.

107 ~~§~~→ ~~[(8)] (7)~~ ←~~§~~ "Program" means the High Quality Preschool Pilot Program created in
107a Section

108 [53A-1a-1104](#).

109 ~~§~~→ ~~[(9)] (8)~~ ←~~§~~ "Utah Intergenerational Welfare Reform Commission" means the Utah
110 Intergenerational Welfare Reform Commission created in Section [35A-9-301](#).

111 Section 4. Section **53A-1a-1104** is enacted to read:

112 **53A-1a-1104. High Quality Preschool Pilot Program -- Components --**
113 **Assessment.**

114 (1) The High Quality Preschool Pilot Program is created to provide grants to eligible
115 LEAs to fund high quality preschool programs.

116 (2) Subject to future budget constraints, the Legislature shall appropriate money for an
117 eight-year period to the board for the program.

118 (3) The board shall:

119 (a) solicit proposals from eligible LEAs to receive money under the program;

120 (b) award grants to up to seven eligible LEAs based on criteria described in Subsection

121 (4); and

122 (c) select or develop a school readiness assessment based on the Utah Early Childhood
 123 Core Standards adopted by the State Board of Education.

124 (4) In awarding a grant under Subsection (3), the board shall consider:

125 (a) an eligible LEA's capacity to effectively implement the components described in
 126 Subsection (6);

127 (b) the percentage of an eligible LEA's students that qualify as eligible students;

128 (c) the level of administrative support and leadership at an eligible LEA to effectively
 129 implement, monitor, and evaluate the program; and

130 (d) if the eligible LEA has been awarded a grant under this part in the past:

131 (i) the pre- and post-assessment gains of the eligible LEA's eligible students in
 132 previous years;

133 (ii) the percentage of the eligible LEA's eligible students in previous years who were
 134 ready for kindergarten as determined by the independent evaluator described in Subsection
 135 53A-1a-1107(3); and

136 (iii) whether the eligible LEA's program resulted in cost avoidance in special education
 137 costs or other remedial services within the eligible LEA.

138 (5) To receive a grant under the program, an eligible LEA shall submit a proposal to
 139 the board detailing:

140 (a) the eligible LEA's strategy to implement the components described in Subsection
 141 (6);

142 (b) the number of students the eligible LEA plans to serve, categorized by age ~~Œ~~ [a]
 142a and ~~Œ~~

143 intergenerational poverty status ~~Œ~~ [, English language learner status, and free or reduced price
 144 school lunch status] ~~Œ~~ ;

145 (c) the number of high quality preschool classrooms the eligible LEA plans to operate;
 146 and

147 (d) the estimated cost per student.

148 (6) To receive funding under the program, an LEA shall establish or currently operate a
 149 high quality preschool that has the following components:

150 (a) early childhood standards aligned with the board's:

151 (i) Utah Early Childhood Core Standards; and

- 152 (ii) kindergarten curriculum standards;
153 (b) an evidence-based curriculum that is aligned with all of the developmental domains
154 and academic content areas defined in the board's Utah Early Childhood Core Standards, and
155 incorporates intentional and differentiated instruction in whole group, small group, and
156 child-directed learning, including the following academic content areas:
- 157 (i) oral language and listening comprehension;
 - 158 (ii) phonological awareness and prereading;
 - 159 (iii) alphabet and word knowledge;
 - 160 (iv) prewriting, fine motor, and visual arts;
 - 161 (v) book knowledge and print awareness;
 - 162 (vi) numeracy;
 - 163 (vii) creative arts;
 - 164 (viii) science and technology; and
 - 165 (ix) social studies, health, and safety;
- 166 (c) ongoing, focused, and intensive professional development for staff of the preschool
167 program;
- 168 (d) ongoing assessment of a student's educational growth and developmental progress
169 to inform instruction;
- 170 (e) a pre- and post-assessment of each student, which assesses age-appropriate literacy
171 and numeracy skills, that is:
- 172 (i) aligned to the Utah Early Childhood Core Standards adopted by the State Board of
173 Education; and
 - 174 (ii) designated by the board under Subsection [53A-1a-1107\(4\)](#);
- 175 (f) class size that does not exceed 20 students, with one adult for every 10 students in
176 the class;
- 177 (g) ongoing program evaluation and data collection to monitor program goal
178 achievement and implementation of required program components;
- 179 (h) ongoing family involvement, based on each family's circumstances;
 - 180 (i) teachers with:
 - 181 (i) an associate's or bachelor's degree in an early childhood related field; or
 - 182 (ii) the minimum standard of a child development associate certification;

- 183 (j) utilization of free-form computer-based software; and
184 (k) a limitation on classroom time for each eligible student to:
185 (i) no more than 12 hours per week for eligible students who are three years old; and
186 (ii) no more than 16 hours per week for eligible students who are four years old.
187 (7) An eligible LEA shall assign a statewide unique student identifier to each eligible
188 student.
189 (8) If permitted under Title I of the No Child Left Behind Act of 2001, 20 U.S.C. Sec.
190 6301-6578, an eligible LEA may charge a sliding scale fee to a student participating in a high
191 quality preschool program under this section, based on household income.
192 (9) (a) The board shall distribute a one-time grant of money to an eligible LEA that
193 receives funding under this part:
194 (i) to provide a computer lab for eligible students, including the hardware needed to
195 run the software described in Subsection (9)(a)(ii); and
196 (ii) for software licenses:
197 (A) to be used by eligible students; and
198 (B) that are aligned with the board's Utah Early Childhood Core Standards.
199 (b) An LEA that receives a grant described in Subsection (9)(a) shall allow eligible
200 students, and parents of eligible students, to use the computer lab described in Subsection
201 (9)(a) after regular preschool hours.
202 (c) The amount of a grant described in Subsection (9)(a) shall be determined by the
203 board based on the applicable year's legislative appropriation for the program.
204 (10) All LEAs and eligible private providers that receive funding under this part shall
205 meet four times each year to evaluate implementation and ensure each LEA's and private
206 provider's preschool has the components described in Subsection (6).
207 Section 5. Section **53A-1a-1105** is enacted to read:
208 **53A-1a-1105. High quality preschool program provisions for private providers.**
209 (1) Except as provided in Subsection (8), an eligible LEA shall contract with an
210 eligible private provider, located within the LEA's attendance boundaries, to provide the
211 program to a portion of the LEA's eligible students that the LEA plans to serve through the
212 program.
213 (2) Except as provided in Subsection (3), to receive funding from an eligible LEA

214 under this part, an eligible private provider shall:

215 (a) offer a preschool program that contains the components described in Subsection
216 53A-1a-1104(6);

217 (b) align its assessments, early learning standards, and professional development with
218 the contracting LEA;

219 (c) allow classroom visits by the contracting LEA, an evaluator chosen in accordance
220 with Section 53A-1a-1107, or the board to ensure the components described in this Subsection
221 (2) are being implemented;

222 (d) at the discretion of the contracting LEA, administer the required pre- and
223 post-assessments to students funded under this part; and

224 (e) report the information described in Subsection 53A-1a-1107(1) to the contracting
225 LEA.

226 (3) As a condition of a contract between an eligible LEA and an eligible private
227 provider, an eligible LEA may set additional quality standards or requirements that an eligible
228 private provider is required to meet to receive funding from the eligible LEA under this part.

229 (4) The board shall distribute money to the participating LEA, and the LEA shall
230 contract with the eligible private provider and pay the eligible private provider to provide the
231 preschool program to eligible students.

232 (5) An LEA may provide the eligible private provider with:

233 (a) professional development;

234 (b) staffing or staff support;

235 (c) materials; or

236 (d) assessments.

237 (6) (a) If permitted under Title I of the No Child Left Behind Act of 2001, 20 U.S.C.
238 Sec. 6301-6578, an eligible private provider may charge a sliding scale fee to a student
239 participating in a high quality preschool program under this section, based on household
240 income.

241 (b) The eligible private provider may use grants, scholarships, or other funds to help
242 fund the preschool program.

243 (7) A contractual partnership established under this section shall be consistent with
244 Utah Constitution, Article X, Section 1.

245 (8) If there is no eligible private provider that is willing to contract with an eligible
 246 LEA, the eligible LEA is not required to contract with an eligible private provider as required
 247 in Subsection (1).

248 Section 6. Section **53A-1a-1106** is enacted to read:

249 **53A-1a-1106. Program funding -- Administrative costs.**

250 (1) The board shall distribute money to eligible LEAs chosen to participate in the
 251 program as follows:

252 (a) except as provided in Subsection (2)(a), each eligible LEA chosen by the board to
 253 participate in the program shall receive funding for at least one preschool classroom; and

254 (b) the remaining funds available after funding Subsection (1)(a) shall be prorated to
 255 the eligible LEAs based on the number of eligible students within each eligible LEA.

256 (2) (a) Except as provided in Subsection (2)(b), a grant awarded to an eligible LEA
 257 chosen to participate in the program may not exceed an amount equal to \$1,500 per eligible
 258 student within the eligible LEA.

259 (b) A grant of money to an eligible LEA to provide a computer lab for eligible students
 260 as described in Subsection [53A-1a-1104](#)(9) may not be counted toward an eligible LEA's
 261 maximum total grant amount described in Subsection (2)(a).

262 (3) Funds appropriated under this part may not be used to supplant other money used
 263 for preschools at eligible schools.

264 (4) The board may use up to:

265 (a) 2% ~~of~~ per year of the total appropriation under this part to administer and
 265a monitor the program; ~~and~~

266 (b) ~~10%~~ per year of the total appropriation under this part to ~~:~~

266a (i) ~~contract with an~~
 267 evaluator as required under Subsection [53A-1a-1107](#)(3); and

268 ~~of~~ [(e) ~~\$250,000 per year of the total appropriation under this part to~~

268a (ii) ~~select or develop a~~
 269 school readiness assessment as required under Subsection [53A-1a-1104](#)(3)(c).

270 Section 7. Section **53A-1a-1107** is enacted to read:

271 **53A-1a-1107. Evaluation and reporting.**

272 (1) An LEA that receives funds under this part shall report annually to the board and
 273 the Department of Workforce Services the following:

274 (a) number of students served by the LEA's preschool, reported by ~~age and~~
 274a intergenerational

275 poverty status, ~~English language learner status, and free or reduced price student lunch~~
 275a status] ~~;~~

- 276 (b) attendance;
277 (c) cost per student;
278 (d) assessment results; and
279 (e) longitudinal data on each student currently receiving funding under this part and
280 any students who previously received funding under this part, including:
281 (i) academic achievement outcomes;
282 (ii) special education use; and
283 (iii) English language learner services.
284 (2) For each year of the program, the board and the early education evaluator selected
285 by the board described in Subsection (3), shall report to the Legislature's Education Interim
286 Committee and the Utah Intergenerational Welfare Reform Commission:
287 (a) the information collected under Subsection (1) for each participating LEA; and
288 (b) the findings of the early education evaluator selected by the board as described in
289 Subsection (3).
290 (3) The board shall contract with an independent, nationally recognized early education
291 evaluator, selected through a request for proposals, to evaluate the quality and outcomes of the
292 program, including:
293 (a) adherence to required components described in Subsection [53A-1a-1104\(6\)](#);
294 (b) pre- and post-assessment results of students in the program;
295 (c) whether the academic gains from the program were sustained through grade 6; and
296 (d) whether the program resulted in cost avoidance, in special education costs or other
297 remedial services, within the LEA.
298 (4) The board shall make rules to effectively administer and monitor the program,
299 including:
300 (a) the pre- and post-assessment that LEAs shall use, ensuring that all LEAs and
301 private providers use the same pre- and post-assessment required in Subsection
302 [53A-1a-1104\(6\)\(e\)](#); and
303 (b) reporting requirements for LEAs and eligible private providers.
304 Section 8. Section **63I-2-253** is amended to read:
305 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**
306 (1) Section [53A-1-402.7](#) is repealed July 1, 2014.

- 307 (2) Section [53A-1-403.5](#) is repealed July 1, 2017.
- 308 (3) Section [53A-1-411](#) is repealed July 1, 2016.
- 309 (4) Section [53A-1-412](#) is repealed July 1, 2013.
- 310 (5) Section [53A-1a-513.5](#) is repealed July 1, 2017.
- 311 (6) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.
- 312 (7) Title 53A, Chapter 1a, Part 11, High Quality Preschool Pilot Program, is repealed
- 313 July 1, 2022.

314 [~~7~~] (8) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is

315 repealed July 1, 2017.

316 [~~8~~] (9) Subsection [53A-13-110](#)(4) is repealed July 1, 2013.

317 [~~9~~] (10) Section [53A-17a-169](#) is repealed July 1, 2016.

318 Section 9. **Appropriation.**

319 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for

320 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money

321 are appropriated from resources not otherwise appropriated, or reduced from amounts

322 previously appropriated, out of the funds or accounts indicated. These sums of money are in

323 addition to any amounts previously appropriated for fiscal year 2015.

323a **\$→ To State Board of Education - Utah State Office of Education - Initiative**

323b **Programs ←\$**

324 From Education Fund \$→ [----- ~~\$6,000,000~~ \$3,000,000 ←\$

325 Schedule of Programs:

326 Contracts and Grants \$→ [~~\$6,000,000~~ \$3,000,000 ←\$

327 The Legislature intends that:

328 (1) \$→ [~~\$5,375,000~~ \$2,625,000 ←\$ of the appropriation under this section is to be used to

328a carry out the

329 requirements of Title 53A, Chapter 1a, Part 11, High Quality Preschool Pilot Program;

330 (2) \$375,000 of the appropriation under this section is to be used to provide one-time

331 grants to eligible LEAs for computer labs, hardware, and early childhood related software as

332 described in Subsection [53A-1a-1104](#)(9); \$→ and ←\$

333 \$→ [~~(3) up to \$500,000 of the appropriation under this section may be used to:~~

334 (a) contract with an evaluator as required under Subsection [53A-1a-1107](#)(3); and

335 (b) select or develop a school readiness assessment as required under Subsection

336 [53A-1a-1104](#)(3)(c);

337 ~~(4)~~ (3) ←\$ the appropriation under this section is:

- 338 (a) ongoing, subject to availability of funds;
339 (b) for fiscal years 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21,
340 and 2021-22 only; and
341 (c) nonlapsing.
342 Section 10. **Effective date.**
343 (1) Except as provided in Subsection (2), this bill takes effect on May 13, 2014.
344 (2) Uncodified Section 9, Appropriation, takes effect on July 1, 2014.
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Legislative Review Note
as of 1-13-14 3:43 PM

Office of Legislative Research and General Counsel