

OPTIONAL ENHANCED KINDERGARTEN AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Ann Millner

LONG TITLE

Committee Note:

The Education Interim Committee recommended this bill.

General Description:

This bill modifies and enacts provisions regarding early grade academic improvement.

Highlighted Provisions:

This bill:

▶ requires the State Board of Education to:

• develop kindergarten entry and exit assessments for use by certain kindergarten student academic improvement programs; and

• administer a grant program to support certain kindergarten student academic improvement programs; and

▶ recodifies and makes technical changes to provisions related to early interactive reading software.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2017:

▶ to State Board of Education -- Minimum School Program -- Related to Basic School Program -- Early Intervention Program:

• from the Education Fund, (\$7,500,000).

▶ to State Board of Education -- Minimum School Program -- Related to Basic School Program -- Optional Enhanced Kindergarten Program, as an ongoing appropriation:



- 28 • from the Education Fund, \$17,500,000.

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **53a-17a-167.5**, Utah Code Annotated 1953

34 REPEALS AND REENACTS:

35 **53A-17a-167**, as last amended by Laws of Utah 2015, Chapter 372



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

38 Section 1. Section **53A-17a-167** is repealed and reenacted to read:

39 **53A-17a-167. Grant funding for optional enhanced kindergarten programs.**

40 (1) As used in this section:

41 (a) "Board" means the State Board of Education.

42 (b) "Local Education Agency" or "LEA" means a school district or charter school.

43 (c) "Optional enhanced kindergarten program" or "OEK program" means a program to
44 improve the academic competency of kindergarten students that:

45 (i) meets the criteria described in Subsection (4)(a);

46 (ii) receives funding from a grant program described in Subsection (3); and

47 (iii) is delivered by an LEA.

48 (2) (a) In accordance with this section, the board shall distribute funds appropriated
49 under this section to support optional enhanced kindergarten programs.

50 (b) The board may use up to 1% of the funds described in Subsection (2)(a) for the
51 administrative cost of running the grant programs described in Subsection (3).

52 (c) The board shall develop kindergarten entry and exit assessments for use by an OEK
53 program.

54 (3) (a) The board shall administer a qualifying base amount grant program and a
55 competitive grant program as described in this Subsection (3) to distribute funds described in
56 Subsection (2)(a) to LEAs that:

57 (i) apply for a grant; and

58 (ii) offer a kindergarten student academic improvement program that meets the

59 requirements described in Subsection (4).

60 (b) For each LEA that meets the criteria described in Subsection (3)(a), the board shall
61 administer a base amount grant to fund a minimum OEK program, taking into consideration:

62 (i) the number of the LEA's students who were eligible to receive free lunch in the
63 prior school year; and

64 (ii) the LEA's overall need for an OEK program, based on the results of the LEA's
65 kindergarten entry and exit assessments described in Subsection (4)(b)(ii).

66 (c) After distributing the base amount grants as described in Subsection (3)(b), the
67 board shall, on a competitive basis, distribute remaining grant money to one or more LEAs that
68 received a base amount grant under Subsection (3)(b), taking into consideration:

69 (i) the success of an LEA's OEK program, based on the results of the LEA's
70 kindergarten entry and exit assessments described in Subsection (4)(b)(ii); and

71 (ii) the extent to which an LEA's base amount grant does not meet the LEA's overall
72 need described in Subsection (3)(b)(ii).

73 (4) An LEA that receives a grant as described in Subsection (3) shall:

74 (a) use the grant money to offer an OEK program that:

75 (i) targets kindergarten students at risk for not meeting grade 3 core standards for Utah
76 public schools, established by the board under Section [53A-1-402.6](#), by the end of each
77 student's grade 3 year;

78 (ii) uses an evidence-based early intervention model;

79 (iii) focuses on academically improving age-appropriate literacy and numeracy skills;

80 (iv) emphasizes the use of live instruction;

81 (v) administers the kindergarten entry and exit assessments described in Subsection
82 (2)(c); and

83 (vi) is delivered through additional hours or other means; and

84 (b) report to the board annually regarding:

85 (i) how the LEA used grant money received under Subsection (3); and

86 (ii) the results of the LEA's kindergarten entry and exit assessments for the prior year.

87 (5) (a) Except as provided in Subsection (5)(b), an LEA may not charge a fee for a
88 student to participate in an OEK program.

89 (b) If an LEA determines that the LEA's OEK program has additional space at a

90 particular school after admitting the kindergarten students described in Subsection (4)(a)(i), the
91 LEA may charge a fee and admit additional kindergarten students not described in Subsection
92 (4)(a)(i) to fill the additional space at the school.

93 (6) A parent or legal guardian may decline participation of the parent or legal
94 guardian's kindergarten student in an OEK program.

95 Section 2. Section **53a-17a-167.5** is enacted to read:

96 **53a-17a-167.5. Early intervention educational technology program.**

97 (1) As used in this section:

98 (a) "Dosage" means amount of instructional time.

99 (b) "License" means a license for the early interactive reading software described in
100 Subsection (3)(a) that is distributed by the State Board of Education under Subsection (3)(b).

101 (2) In accordance with this section, the State Board of Education shall administer an
102 early intervention technology program to improve reading skills of students in kindergarten
103 through grade 3 through the use of early interactive reading software.

104 (3) (a) Subject to legislative appropriations, the State Board of Education shall select
105 and contract with one or more technology providers, through a request for proposals process, to
106 provide early interactive reading software for literacy instruction and assessments for students
107 in kindergarten through grade 3.

108 (b) By August 1 of each year, the State Board of Education shall distribute licenses to
109 school districts and charter schools that apply for the licenses.

110 (c) Except as provided in Subsection (4)(b), if a school district or charter school
111 received a license during the prior year, the State Board of Education shall give first priority to
112 the school district or charter school to receive an equivalent license during the current year.

113 (d) The State Board of Education shall distribute a license not described in Subsection
114 (3)(c) through a competitive process.

115 (4) (a) A public school that receives a license shall use the license:

116 (i) for a student in kindergarten or grade 1:

117 (A) for intervention for the student if the student is reading below grade level; or

118 (B) for advancement beyond grade level for the student if the student is reading at or
119 above grade level;

120 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading

121 below grade level; and

122 (iii) in accordance with the technology provider's dosage recommendations.

123 (b) The State Board of Education may not distribute a license to a public school that
124 fails to use the early interaction reading software in accordance with the technology provider's
125 dosage recommendations for two consecutive years.

126 (5) (a) On or before August 1 of each year, the State Board of Education shall select
127 and contract with an independent evaluator, through a request for proposals process, to act as
128 an independent contractor to evaluate early interactive reading software provided under this
129 section.

130 (b) The State Board of Education shall ensure that a contract with an independent
131 evaluator requires the independent evaluator to:

132 (i) evaluate a student's learning gains as a result of using early interactive reading
133 software provided under Subsection (3);

134 (ii) for an evaluation described in Subsection (5)(b)(i), use an assessment that is not
135 developed by a provider of early interactive reading software; and

136 (iii) determine the extent to which a public school uses the early interactive reading
137 software in accordance with a technology provider's dosage recommendations under
138 Subsection (4).

139 (c) The State Board of Education and the independent evaluator selected under
140 Subsection (5)(a) shall report annually on the results of the evaluation to the Education Interim
141 Committee and the governor.

142 (d) The State Board of Education may use up to 4% of an appropriation provided to
143 fund this section to contract with an independent evaluator selected under Subsection (5)(a).

144 **Section 3. Appropriation.**

145 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
146 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
147 are appropriated from resources not otherwise appropriated, or reduced from amounts
148 previously appropriated, out of the funds or accounts indicated. These sums of money are in
149 addition to any amounts previously appropriated for fiscal year 2017.

150 To State Board of Education -- Minimum School Program -- Related to Basic School
151 Program

152 From Education Fund (\$7,500,000)
 153 Schedule of Programs:
 154 Early Intervention (\$7,500,000)
 155 To State Board of Education -- Minimum School Program -- Related to Basic School
 156 Program
 157 From Education Fund \$17,500,000
 158 Schedule of Programs:
 159 Optional Enhanced Kindergarten Program \$17,500,000
 160 The Legislature intends that:
 161 (1) the State Board of Education shall use the money appropriated to the Optional
 162 Enhanced Kindergarten Program as follows:
 163 (a) \$7,500,000 for the qualifying base amount grant program described in Subsection
 164 [53A-17a-167\(3\)\(b\)](#);
 165 (b) \$9,250,000 for the competitive grant program described in Subsection
 166 [53A-17a-167\(3\)\(c\)](#); and
 167 (c) \$750,000 for the development of the kindergarten entry and exit assessments as
 168 described in Subsection [53A-17a-167\(2\)\(c\)](#); and
 169 (2) the appropriation provided under this section not lapse.