

Representative V. Lowry Snow proposes the following substitute bill:

EARLY LEARNING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ 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;
- ▶ gives rulemaking authority;
- ▶ recodifies and makes technical changes to provisions related to early interactive reading software; and
- ▶ allows a public school to use an early interactive reading software license for a student in grade 4, 5, or 6 under certain circumstances.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2017:

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



26 Program -- Early Intervention Program:

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

28 ▶ to State Board of Education -- Minimum School Program -- Related to Basic School

29 Program -- Optional Enhanced Kindergarten Program, as an ongoing appropriation:

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

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **53A-17a-167.5**, Utah Code Annotated 1953

36 REPEALS AND REENACTS:

37 **53A-17a-167**, as last amended by Laws of Utah 2015, Chapter 372



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

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 Section **53A-17a-167** is repealed and reenacted to read:

41 **53A-17a-167. Grant funding for optional enhanced kindergarten programs.**

42 (1) As used in this section:

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

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

45 (c) "Optional enhanced kindergarten program" or "OEK program" means a program to

46 improve the academic competency of kindergarten students that:

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

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

49 (iii) is delivered by an LEA.

50 (2) (a) In accordance with this section, the board shall distribute funds appropriated

51 under this section to support optional enhanced kindergarten programs.

52 (b) The board may use up to 1% of the funds described in Subsection (2)(a) for the

53 administrative cost of running the grant programs described in Subsection (3).

54 (c) The board shall develop kindergarten entry and exit assessments for use by an OEK

55 program.

56 (3) (a) The board shall administer a qualifying base amount grant program and a

57 competitive grant program as described in this Subsection (3) to distribute funds described in
58 Subsection (2)(a) to LEAs that:

59 (i) apply for a grant; and

60 (ii) offer a kindergarten student academic improvement program that meets the
61 requirements described in Subsection (4).

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

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

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

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

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

73 (ii) the extent to which an LEA's base amount grant does not meet the LEA's overall
74 need described in Subsection (3)(b)(ii); and

75 (iii) the extent to which an LEA's OEK program addresses the particular needs of
76 children at risk of experiencing intergenerational poverty, as defined in Section [35A-9-102](#),
77 using eligibility for free and reduced lunch as a primary indicator.

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

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

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

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

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

85 (iv) emphasizes the use of live instruction;

86 (v) administers the kindergarten entry and exit assessments described in Subsection

87 (2)(c); and

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

89 (b) report to the board annually regarding:

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

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

92 (iii) with assistance from board employees, the number of students served, including
93 the number of students who are eligible for free and reduced lunch; and

94 (iv) with assistance from board employees, student performance outcomes achieved by
95 the LEA's OEK program, disaggregated by economic and ethnic subgroups.

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

98 (b) If an LEA determines that the LEA's OEK program has additional space at a
99 particular school after admitting the kindergarten students described in Subsection (4)(a)(i), the
100 LEA may charge a fee and admit additional kindergarten students not described in Subsection
101 (4)(a)(i) to fill the additional space at the school.

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

104 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
105 board shall make rules to establish reporting procedures and administer this section.

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

107 **53A-17a-167.5. Early intervention educational technology program.**

108 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

131 (ii) for a student in grade 2 or 3, for intervention for the student if the student is reading
132 below grade level;

133 (iii) for a student in grade 4, 5, or 6, for intervention if:

134 (A) the student is reading below grade level; and

135 (B) the public school has served the public school's students in kindergarten through
136 grade 3 and the license has capacity for additional students; and

137 (iv) in accordance with the technology provider's dosage recommendations.

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

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

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

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

149 (ii) for an evaluation described in Subsection (5)(b)(i), use an assessment that is not

150 developed by a provider of early interactive reading software; and

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

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

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

159 **Section 3. Appropriation.**

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

165 To State Board of Education -- Minimum School Program -- Related to Basic School
166 Program

167 From Education Fund (\$7,500,000)

168 Schedule of Programs:

169 Early Intervention (\$7,500,000)

170 To State Board of Education -- Minimum School Program -- Related to Basic School
171 Program

172 From Education Fund \$17,500,000

173 Schedule of Programs:

174 Optional Enhanced Kindergarten Program \$17,500,000

175 The Legislature intends that:

176 (1) the State Board of Education shall use the money appropriated to the Optional
177 Enhanced Kindergarten Program as follows:

178 (a) \$7,500,000 for the qualifying base amount grant program described in Subsection
179 53A-17a-167(3)(b);

180 (b) \$9,250,000 for the competitive grant program described in Subsection

181 53A-17a-167(3)(c); and

182 (c) \$750,000 for the development of the kindergarten entry and exit assessments as

183 described in Subsection 53A-17a-167(2)(c); and

184 (2) the appropriation provided under this section not lapse.