

# HB0042S01 compared with HB0042

~~{deleted text}~~ shows text that was in HB0042 but was deleted in HB0042S01.

inserted text shows text that was not in HB0042 but was inserted into HB0042S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{OPTIONAL ENHANCED KINDERGARTEN}~~ 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:** \_\_\_\_\_

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### 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:

▶ 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;~~{and}~~

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- ▶ 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 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:
  - from the Education Fund, \$17,500,000.

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

~~{53A-17a-167}~~ 53A-17a-167.5, Utah Code Annotated 1953

REPEALS AND REENACTS:

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

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

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 Section 53A-17a-167 is repealed and reenacted to read:

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

(1) As used in this section:

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

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

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

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

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

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(iii) is delivered by an LEA.

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

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

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

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

(i) apply for a grant; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) emphasizes the use of live instruction;

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

(2)(c); and

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

(b) report to the board annually regarding:

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

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

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

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

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

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

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

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

Section 2. Section ~~{53a-17a-167}~~53A-17a-167.5 is enacted to read:

~~{53a-17a-167}~~53A-17a-167.5. Early intervention educational technology program.

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Section 3. **Appropriation.**

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

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

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

Schedule of Programs:

Early Intervention (\$7,500,000)

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

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From Education Fund

\$17,500,000

Schedule of Programs:

Optional Enhanced Kindergarten Program    \$17,500,000

The Legislature intends that:

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

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

(b) \$9,250,000 for the competitive grant program described in Subsection 53A-17a-167(3)(c); and

(c) \$750,000 for the development of the kindergarten entry and exit assessments as described in Subsection 53A-17a-167(2)(c); and

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

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**Legislative Review Note**

**Office of Legislative Research and General Counsel**