

1 **UTAH SCHOOL READINESS INITIATIVE AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bradley G. Last**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the School Readiness Initiative.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ moves the School Readiness Board (board) from the Governor's Office of
- 14 Management and Budget to the Department of Workforce Services;
- 15 ▶ requires the State Board of Education to develop a school readiness program entry
- 16 assessment;
- 17 ▶ requires certain school readiness programs to administer school readiness program
- 18 entry and exit assessments;
- 19 ▶ modifies the membership of the board;
- 20 ▶ requires the board to award a contract to a nonprofit entity to provide program
- 21 support for results-based contracts;
- 22 ▶ enacts a prioritization for funding school readiness programs;
- 23 ▶ enacts and consolidates provisions related to requirements for recipients of funding
- 24 through results-based contracts;
- 25 ▶ permits the board to fund a high quality school readiness program directly, if the
- 26 high quality school readiness program meets certain requirements;
- 27 ▶ requires the board to select at least three independent evaluators;



- 28 ▶ requires the operator of a high quality school readiness program that participates in
- 29 a results-based contract to select an evaluator to evaluate the high quality school
- 30 readiness program; and
- 31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **53E-9-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 39 **53F-6-301**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 40 **53F-6-305**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 41 **53F-6-309**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 42 **53F-6-310**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 43 **53F-9-402**, as renumbered and amended by Laws of Utah 2018, Chapter 2

44 RENUMBERS AND AMENDS:

- 45 **35A-3-209**, (Renumbered from 53F-6-302, as renumbered and amended by Laws of
- 46 Utah 2018, Chapter 2)

47 ENACTS:

- 48 **53E-4-314**, Utah Code Annotated 1953

49 REPEALS AND REENACTS:

- 50 **53F-6-306**, as renumbered and amended by Laws of Utah 2018, Chapter 2

51 REPEALS:

- 52 **53F-6-307**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 53 **53F-6-308**, as renumbered and amended by Laws of Utah 2018, Chapter 2



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

56 Section 1. Section **35A-3-209**, which is renumbered from Section 53F-6-302 is

57 renumbered and amended to read:

58 ~~[53F-6-302]~~. **35A-3-209**. **Establishment of the School Readiness Board --**

59 **Membership -- Program intermediary -- Funding prioritization.**

60 (1) The terms defined in Section 53F-6-301 apply to this section.

61 ~~[(1)]~~ (2) There is created [a] the School Readiness Board within the [Governor's Office
62 ~~of Management and Budget] Department of Workforce Services~~ composed of:

63 (a) the director of the Department of Workforces Services or the director's designee;

64 (b) one member appointed by the State Board of Education;

65 (c) one member appointed by the chair of the State Charter School Board;

66 (d) one member who has research experience in the area of early childhood

67 development, including special education, appointed by the speaker of the House of
68 Representatives; and

69 (e) one member, appointed by the president of the Senate[-], who:

70 (i) has expertise in pay for success programs; or

71 (ii) represents a financial institution that has experience managing a portfolio that
72 meets the requirements of the Community Reinvestment Act, 12 U.S.C. Sec. 2901 et seq.

73 ~~[(2)]~~ (3) (a) A member described in [Subsections (1)] Subsection (2)(c), (d), [and] or
74 (e) shall serve for a term of two years.

75 (b) If a vacancy occurs for a member described in Subsection ~~[(1)]~~ (2)(c), (d), or (e),
76 the person appointing the member shall appoint a replacement to serve the remainder of the
77 member's term.

78 ~~[(3)]~~ (4) A member may not receive compensation or benefits for the member's service.

79 ~~[(4) Upon request, the Governor's Office of Management and Budget shall provide~~
80 ~~staff support to the board.]~~

81 (5) The department shall provide staff support to the board.

82 ~~[(5)]~~ (6) (a) The board members shall elect a chair of the board from the board's
83 membership.

84 (b) The board shall meet upon the call of the chair or a majority of the board members.

85 (7) In accordance with Title 63G, Chapter 6a, Part 7, Requests for Proposals, and
86 subject to Subsection (8), the board shall:

87 (a) select a program intermediary that:

88 (i) is a nonprofit entity; and

89 (ii) has experience:

- 90 (A) developing and executing contracts;
91 (B) structuring the terms and conditions of a pay for success program;
92 (C) coordinating the funding and management of a pay for success program; and
93 (D) raising private investment capital necessary to fund program services related to a
94 pay for success program; and
95 (b) enter into a contract with the program intermediary.
96 (8) The board may not enter into a contract described in Subsection (7) without the
97 consent of the department regarding:
98 (a) the program intermediary selected; and
99 (b) the terms of the contract.
100 (9) A contract described in Subsection (7)(b) shall:
101 (a) require the program intermediary to:
102 (i) seek out participants for results-based contracts;
103 (ii) advise the board on results-based contracts; and
104 (iii) make recommendations directly to the board on:
105 (A) when to enter a results-based contract; and
106 (B) the terms of a results-based contract; and
107 (b) include a provision that the program intermediary is not eligible to receive or view
108 personally identifiable student data of eligible students funded under this part.
109 (10) In allocating funding, the board shall:
110 (a) give first priority to a results-based contract described in Subsection [53F-6-309\(3\)](#)
111 to fund a high quality school readiness program directly;
112 (b) give second priority to a results-based contract that includes an investor; and
113 (c) give third priority to a grant described in Section [53F-6-305](#).
114 (11) Other powers and duties of the board are described in Title 53F, Chapter 6, Part 3,
115 School Readiness Initiative.
116 Section 2. Section **53E-4-314** is enacted to read:
117 **53E-4-314. School readiness assessment.**
118 (1) As used in this section:
119 (a) "School readiness assessment" mean the preschool entry assessment described in
120 this section.

- 121 (b) "School readiness program" means a preschool program:
- 122 (i) in which a student participates in the year before the student is expected to enroll in
- 123 kindergarten; and
- 124 (ii) that receives funding under:
- 125 (A) Title 53F, Chapter 5, Part 3, High Quality School Readiness Program; or
- 126 (B) Title 53F, Chapter 6, Part 3, School Readiness Initiative.
- 127 (2) The State Board of Education shall develop a school readiness assessment that
- 128 aligns with the kindergarten entry and exit assessment described in Section [53F-4-205](#).
- 129 (3) A school readiness program shall:
- 130 (a) administer to each student who participates in a school readiness program:
- 131 (i) the school readiness assessment at the beginning of the student's participation in the
- 132 school readiness program; and
- 133 (ii) the kindergarten entry assessment described in Section [53F-4-205](#) at the end of the
- 134 student's participation in the school readiness program; and
- 135 (b) report the results of the school readiness assessment to:
- 136 (i) the State Board of Education; and
- 137 (ii) the Department of Workforce Services.
- 138 Section 3. Section **53E-9-301** is amended to read:
- 139 **53E-9-301. Definitions.**
- 140 As used in this part:
- 141 (1) "Adult student" means a student who:
- 142 (a) is at least 18 years old;
- 143 (b) is an emancipated student; or
- 144 (c) qualifies under the McKinney-Vento Homeless Education Assistance
- 145 Improvements Act of 2001, 42 U.S.C. Sec. 11431 et seq.
- 146 (2) "Aggregate data" means data that:
- 147 (a) are totaled and reported at the group, cohort, school, school district, region, or state
- 148 level with at least 10 individuals in the level;
- 149 (b) do not reveal personally identifiable student data; and
- 150 (c) are collected in accordance with board rule.
- 151 (3) (a) "Biometric identifier" means a:

- 152 (i) retina or iris scan;
- 153 (ii) fingerprint;
- 154 (iii) human biological sample used for valid scientific testing or screening; or
- 155 (iv) scan of hand or face geometry.
- 156 (b) "Biometric identifier" does not include:
 - 157 (i) a writing sample;
 - 158 (ii) a written signature;
 - 159 (iii) a voiceprint;
 - 160 (iv) a photograph;
 - 161 (v) demographic data; or
 - 162 (vi) a physical description, such as height, weight, hair color, or eye color.
- 163 (4) "Biometric information" means information, regardless of how the information is
- 164 collected, converted, stored, or shared:
 - 165 (a) based on an individual's biometric identifier; and
 - 166 (b) used to identify the individual.
- 167 (5) "Board" means the State Board of Education.
- 168 (6) "Cumulative disciplinary record" means disciplinary student data that is part of a
- 169 cumulative record.
- 170 (7) "Cumulative record" means physical or electronic information that the education
- 171 entity intends:
 - 172 (a) to store in a centralized location for 12 months or more; and
 - 173 (b) for the information to follow the student through the public education system.
- 174 (8) "Data authorization" means written authorization to collect or share a student's
- 175 student data, from:
 - 176 (a) the student's parent, if the student is not an adult student; or
 - 177 (b) the student, if the student is an adult student.
- 178 (9) "Data governance plan" means an education entity's comprehensive plan for
- 179 managing education data that:
 - 180 (a) incorporates reasonable data industry best practices to maintain and protect student
 - 181 data and other education-related data;
 - 182 (b) provides for necessary technical assistance, training, support, and auditing;

183 (c) describes the process for sharing student data between an education entity and
184 another person;

185 (d) describes the process for an adult student or parent to request that data be
186 expunged; and

187 (e) is published annually and available on the education entity's website.

188 (10) "Education entity" means:

189 (a) the board;

190 (b) a local school board;

191 (c) a charter school governing board;

192 (d) a school district;

193 (e) a charter school;

194 (f) the Utah Schools for the Deaf and the Blind; or

195 (g) for purposes of implementing the School Readiness Initiative described in Title
196 53F, Chapter 6, Part 3, School Readiness Initiative, the School Readiness Board created in
197 Section [~~53F-6-302~~] [35A-3-209](#).

198 (11) "Expunge" means to seal or permanently delete data, as described in board rule
199 made under Section [53E-9-306](#).

200 (12) "External application" means a general audience:

201 (a) application;

202 (b) piece of software;

203 (c) website; or

204 (d) service.

205 (13) "Individualized education program" or "IEP" means a written statement:

206 (a) for a student with a disability; and

207 (b) that is developed, reviewed, and revised in accordance with the Individuals with
208 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

209 (14) "Internal application" means an Internet website, online service, online
210 application, mobile application, or software, if the Internet website, online service, online
211 application, mobile application, or software is subject to a third-party contractor's contract with
212 an education entity.

213 (15) "Local education agency" or "LEA" means:

214 (a) a school district;
215 (b) a charter school;
216 (c) the Utah Schools for the Deaf and the Blind; or
217 (d) for purposes of implementing the School Readiness Initiative described in Title
218 53F, Chapter 6, Part 3, School Readiness Initiative, the School Readiness Board created in
219 Section [~~53F-6-302~~] [35A-3-209](#).

220 (16) "Metadata dictionary" means a complete list of an education entity's student data
221 elements and other education-related data elements, that:

222 (a) defines and discloses all data collected, used, stored, and shared by the education
223 entity, including:

224 (i) who uses a data element within an education entity and how a data element is used
225 within an education entity;

226 (ii) if a data element is shared externally, who uses the data element externally and how
227 a data element is shared externally;

228 (iii) restrictions on the use of a data element; and

229 (iv) parent and student rights to a data element;

230 (b) designates student data elements as:

231 (i) necessary student data; or

232 (ii) optional student data;

233 (c) designates student data elements as required by state or federal law; and

234 (d) without disclosing student data or security information, is displayed on the
235 education entity's website.

236 (17) "Necessary student data" means data required by state statute or federal law to
237 conduct the regular activities of an education entity, including:

238 (a) name;

239 (b) date of birth;

240 (c) sex;

241 (d) parent contact information;

242 (e) custodial parent information;

243 (f) contact information;

244 (g) a student identification number;

- 245 (h) local, state, and national assessment results or an exception from taking a local,
246 state, or national assessment;
- 247 (i) courses taken and completed, credits earned, and other transcript information;
- 248 (j) course grades and grade point average;
- 249 (k) grade level and expected graduation date or graduation cohort;
- 250 (l) degree, diploma, credential attainment, and other school exit information;
- 251 (m) attendance and mobility;
- 252 (n) drop-out data;
- 253 (o) immunization record or an exception from an immunization record;
- 254 (p) race;
- 255 (q) ethnicity;
- 256 (r) tribal affiliation;
- 257 (s) remediation efforts;
- 258 (t) an exception from a vision screening required under Section 53G-9-404 or
259 information collected from a vision screening required under Section 53G-9-404;
- 260 (u) information related to the Utah Registry of Autism and Developmental Disabilities,
261 described in Section 26-7-4;
- 262 (v) student injury information;
- 263 (w) a cumulative disciplinary record created and maintained as described in Section
264 53E-9-306;
- 265 (x) juvenile delinquency records;
- 266 (y) English language learner status; and
- 267 (z) child find and special education evaluation data related to initiation of an IEP.
- 268 (18) (a) "Optional student data" means student data that is not:
- 269 (i) necessary student data; or
- 270 (ii) student data that an education entity may not collect under Section 53E-9-305.
- 271 (b) "Optional student data" includes:
- 272 (i) information that is:
- 273 (A) related to an IEP or needed to provide special needs services; and
- 274 (B) not necessary student data;
- 275 (ii) biometric information; and

276 (iii) information that is not necessary student data and that is required for a student to
277 participate in a federal or other program.

278 (19) "Parent" means a student's parent or legal guardian.

279 (20) (a) "Personally identifiable student data" means student data that identifies or is
280 used by the holder to identify a student.

281 (b) "Personally identifiable student data" includes:

282 (i) a student's first and last name;

283 (ii) the first and last name of a student's family member;

284 (iii) a student's or a student's family's home or physical address;

285 (iv) a student's email address or other online contact information;

286 (v) a student's telephone number;

287 (vi) a student's social security number;

288 (vii) a student's biometric identifier;

289 (viii) a student's health or disability data;

290 (ix) a student's education entity student identification number;

291 (x) a student's social media user name and password or alias;

292 (xi) if associated with personally identifiable student data, the student's persistent
293 identifier, including:

294 (A) a customer number held in a cookie; or

295 (B) a processor serial number;

296 (xii) a combination of a student's last name or photograph with other information that
297 together permits a person to contact the student online;

298 (xiii) information about a student or a student's family that a person collects online and
299 combines with other personally identifiable student data to identify the student; and

300 (xiv) other information that is linked to a specific student that would allow a
301 reasonable person in the school community, who does not have first-hand knowledge of the
302 student, to identify the student with reasonable certainty.

303 (21) "School official" means an employee or agent of an education entity, if the
304 education entity has authorized the employee or agent to request or receive student data on
305 behalf of the education entity.

306 (22) (a) "Student data" means information about a student at the individual student

307 level.

308 (b) "Student data" does not include aggregate or de-identified data.

309 (23) "Student data disclosure statement" means a student data disclosure statement
310 described in Section [53E-9-305](#).

311 (24) "Student data manager" means:

312 (a) the state student data officer; or

313 (b) an individual designated as a student data manager by an education entity under
314 Section [53E-9-303](#).

315 (25) (a) "Targeted advertising" means presenting advertisements to a student where the
316 advertisement is selected based on information obtained or inferred over time from that
317 student's online behavior, usage of applications, or student data.

318 (b) "Targeted advertising" does not include advertising to a student:

319 (i) at an online location based upon that student's current visit to that location; or

320 (ii) in response to that student's request for information or feedback, without retention
321 of that student's online activities or requests over time for the purpose of targeting subsequent
322 ads.

323 (26) "Third-party contractor" means a person who:

324 (a) is not an education entity; and

325 (b) pursuant to a contract with an education entity, collects or receives student data in
326 order to provide a product or service, as described in the contract, if the product or service is
327 not related to school photography, yearbooks, graduation announcements, or a similar product
328 or service.

329 Section 4. Section **53F-6-301** is amended to read:

330 **53F-6-301. Definitions.**

331 As used in this part:

332 (1) "Board" means the School Readiness Board, created in Section [~~53F-6-302~~]
333 [35A-3-209](#).

334 (2) "Economically disadvantaged" means [~~a student who:~~] to be eligible to receive free
335 or reduced price lunch.

336 [~~(a) is eligible to receive free lunch;~~]

337 [~~(b) is eligible to receive reduced price lunch; or~~]

338 ~~[(c) (i) is not otherwise accounted for in Subsection (2)(a) or (b); and]~~
339 ~~[(ii) (A) is enrolled in a Provision 2 or Provision 3 school, as defined by the United~~
340 ~~States Department of Agriculture;]~~
341 ~~[(B) has a Declaration of Household Income on file;]~~
342 ~~[(C) is eligible for a fee waiver; or]~~
343 ~~[(D) is enrolled at a school that does not offer a lunch program and is a sibling of a~~
344 ~~student accounted for in Subsection (2)(a) or (b).]~~

345 (3) "Eligible home-based educational technology provider" means a provider that
346 intends to offer a home-based educational technology program.

347 (4) "Eligible LEA" means an LEA that has a data system capacity to collect
348 longitudinal academic outcome data, including special education use by student, by identifying
349 each student with a statewide unique student identifier.

350 (5) (a) "Eligible private provider" means a child care program that:

351 (i) (A) except as provided in Subsection (5)(b), is licensed under Title 26, Chapter 39,
352 Utah Child Care Licensing Act; or

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

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

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

358 (6) "Eligible student" means a student:

359 (a) who is economically disadvantaged[-]; and

360 (b) whose parent or legal guardian reports that the student has experienced at least one
361 risk factor.

362 (7) "Evaluator" means an independent evaluator selected in accordance with Section
363 [53F-3-309](#).

364 (8) "High quality school readiness program" means a preschool program that:

365 (a) is provided by an eligible LEA, eligible private provider, or eligible home-based
366 educational technology provider; and

367 (b) meets the elements of a high quality school readiness program described in Section
368 [53F-6-304](#).

369 (9) "Investor" means a person that enters into a results-based contract to provide
 370 funding to a high quality school readiness program on the condition that the person will receive
 371 payment in accordance with Section 53F-6-309 if the high quality school readiness program
 372 meets the performance outcome measures included in the results-based contract.

373 ~~[(7)]~~ (10) "Local Education Agency" or "LEA" means a school district or charter
 374 school.

375 (11) "Pay for success program" means a program funded through a model in which the
 376 program is initially funded through private funding and the entity providing the private funding
 377 receives repayment through public funding if the program meets certain goals.

378 ~~[(8)]~~ (12) "Performance outcome measure" means a cost avoidance in special education
 379 use for a student at-risk for later special education placement in kindergarten through grade 12
 380 who receives preschool education funded pursuant to a results-based [school readiness]
 381 contract.

382 ~~[(9) (a) "Private entity" means a private investor or investors that enter into a~~
 383 ~~results-based school readiness contract.]~~

384 ~~[(b) "Private entity" includes an authorized representative of the private investor or~~
 385 ~~investors.]~~

386 (13) "Program intermediary" means an entity selected by the board under Section
 387 35A-3-209 to coordinate with the Department of Workforce Services to provide program
 388 support to the board.

389 ~~[(10)]~~ (14) "Results-based [school readiness] contract" means a contract [entered into
 390 by the board, a private entity, and a provider of early childhood education that may result in
 391 repayment to a private entity if certain performance outcome measures are achieved.] that:

392 (a) is entered into in accordance with Section 53F-3-309;

393 (b) includes a performance outcome measure; and

394 (c) is between:

395 (i) the board, a provider of a high quality school readiness program, and an investor; or

396 (ii) the board and a provider of a high quality school readiness program.

397 (15) "Risk factor" means:

398 (a) having a mother who was 18 years old or younger when the child was born;

399 (b) a member of a child's household is incarcerated;

- 400 (c) living in a neighborhood with high violence or crime;
 401 (d) having one or both parents with a low reading ability;
 402 (e) moving at least once in the past year;
 403 (f) having ever been in foster care;
 404 (g) living with multiple families in the same household;
 405 (h) having exposure in a child's home to:
 406 (i) physical abuse or domestic violence;
 407 (ii) substance abuse;
 408 (iii) the death or chronic illness of a parent or sibling; or
 409 (iv) mental illness;
 410 (i) the primary language spoken in a child's home is a language other than English; or
 411 (j) having at least one parent who has not completed high school.

412 [(H)] (16) "Student at-risk for later special education placement" means [~~a preschool~~
 413 an eligible student who, at preschool entry, scores [~~at or below~~] at least two standard deviations
 414 below the mean on the assessment selected by the board under Section [53F-6-309](#).

415 Section 5. Section **53F-6-305** is amended to read:

416 **53F-6-305. High Quality School Readiness Grant Program.**

417 (1) The High Quality School Readiness Grant Program is created to provide grants to
 418 the following, in order to upgrade an existing preschool or home-based educational technology
 419 program to a high quality school readiness program:

- 420 (a) an eligible private provider;
 421 (b) an eligible LEA; or
 422 (c) an eligible home-based educational technology provider.

423 (2) The State Board of Education shall:

- 424 (a) solicit proposals from eligible LEAs; and
 425 (b) make recommendations to the board to award grants to respondents based on
 426 criteria described in Subsection (5).

427 (3) The Department of Workforce Services shall:

- 428 (a) solicit proposals from eligible private providers and eligible home-based
 429 educational technology providers; and
 430 (b) make recommendations to the board to award grants to respondents based on

431 criteria described in Subsection (5).

432 (4) Subject to legislative appropriations, and the prioritization described in Section
433 35A-3-209, the board shall award grants to respondents based on:

434 (a) the recommendations of the State Board of Education;

435 (b) the recommendations of the Department of Workforce Services; and

436 (c) the criteria described in Subsection (5).

437 (5) (a) In awarding a grant under Subsection (4), the State Board of Education,
438 Department of Workforce Services, and the board shall consider:

439 (i) a respondent's capacity to effectively implement the components described in
440 Section 53F-6-304;

441 (ii) the percentage of a respondent's students who are [~~economically disadvantaged~~]
442 eligible students; and

443 (iii) the level of administrative support and leadership at a respondent's program to
444 effectively implement, monitor, and evaluate the program.

445 (b) The board may not award a grant to an LEA without obtaining approval from the
446 State Board of Education to award the grant to the LEA.

447 (6) To receive a grant under this section, a respondent that is an eligible LEA shall
448 submit a proposal to the State Board of Education detailing:

449 (a) the respondent's strategy to implement the high quality components described in
450 [~~Subsection 53F-6-304(1)~~] Section 53F-6-304;

451 (b) the number of students the respondent plans to serve, categorized by age and
452 [~~economically disadvantaged status~~] whether the students are eligible students;

453 (c) the number of high quality [~~preschool~~] school readiness program classrooms the
454 respondent plans to operate; and

455 (d) the estimated cost per student.

456 (7) To receive a grant under this section, a respondent that is an eligible private
457 provider or an eligible home-based educational technology provider shall submit a proposal to
458 the Department of Workforce Services detailing:

459 (a) the respondent's strategy to implement the high quality components described in
460 Section 53F-6-304;

461 (b) the number of students the respondent plans to serve, categorized by age and

462 ~~[economically disadvantaged status]~~ whether the students are eligible students;

463 (c) for a respondent that is an eligible private provider, the number of high quality

464 ~~[preschool]~~ school readiness program classrooms the respondent plans to operate; and

465 (d) the estimated cost per student.

466 ~~[(8) All recipients of grants]~~

467 (8) (a) A recipient of a grant under this section shall ~~[establish a preschool or~~
468 ~~home-based educational technology program with the]~~ use the grant to move the recipient's
469 preschool program toward achieving the components described in Section 53F-6-304.

470 (b) A recipient of a grant under this section may not enter into a results-based contract
471 while the recipient receives the grant.

472 (9) (a) A grant recipient shall allow classroom or other visits by an ~~[independent~~
473 ~~evaluator chosen by the board in accordance with Section 53F-6-309]~~ evaluator.

474 (b) The ~~[independent]~~ evaluator shall:

475 (i) determine whether a grant recipient has effectively implemented the components
476 described in Section 53F-6-304; and

477 (ii) report the ~~[independent]~~ evaluator's findings to the board.

478 ~~[(10) (a) A grant recipient that is an eligible LEA shall assign a statewide unique~~
479 ~~student identifier to each eligible student funded pursuant to a grant received under this~~
480 ~~section.]~~

481 ~~[(b) A grant recipient that is an eligible private provider or an eligible home-based~~
482 ~~educational technology provider shall work in conjunction with the State Board of Education to~~
483 ~~assign a statewide unique student identifier to each eligible student funded pursuant to a grant~~
484 ~~received under this section.]~~

485 (10) A recipient of a grant under this section shall ensure that each student who is
486 enrolled in a classroom or who uses a home-based educational technology program supported
487 by the grant has a unique student identifier by:

488 (a) if the recipient is an eligible LEA, assigning a unique student identifier to each
489 student enrolled in the classroom; or

490 (b) if the recipient is an eligible private provider or eligible home-based technology
491 provider, working with the State Board of Education to assign a unique student identifier to
492 each student enrolled in the classroom or who uses a home-based educational technology

493 program.

494 (11) A grant recipient that is an LEA shall report annually to the board and the State
495 Board of Education the following:

496 (a) number of students served by the preschool, [~~reported by economically~~
497 ~~disadvantaged status~~] including the number of students who are eligible students;

498 (b) attendance;

499 (c) cost per student; and

500 (d) assessment results.

501 (12) A grant recipient that is an eligible private provider or an eligible home-based
502 educational technology provider shall report annually to the board and the Department of
503 Workforce Services the following:

504 (a) number of students served by the preschool or program, [~~reported by economically~~
505 ~~disadvantaged status~~] including the number of students who are eligible students;

506 (b) attendance;

507 (c) cost per student; and

508 (d) assessment results.

509 (13) The State Board of Education and the Department of Workforce Services shall
510 make rules to effectively administer and monitor the [~~High Quality School Readiness Grant~~
511 ~~Program~~] grant program described in this section, including:

512 (a) requiring grant recipients to use the pre- and post-assessment selected by the board
513 in accordance with Section [53F-6-309](#); and

514 (b) establishing reporting requirements for grant recipients.

515 (14) At the request of the board, the State Board of Education and the Department of
516 Workforce Services shall annually share the information received from grant recipients
517 described in Subsections (11) and (12) with the board.

518 Section 6. Section **53F-6-306** is repealed and reenacted to read:

519 **53F-6-306. Requirements for a school readiness program to receive funding**
520 **through a results-based contract.**

521 (1) As used in this section:

522 (a) "Participating program operator" means an eligible LEA, an eligible private
523 provider, or an eligible home-based educational technology provider, that is a party to a

524 results-based contract.

525 (b) "Program" means a school readiness program funded through a results-based
526 contract.

527 (2) (a) Subject to the requirements of this part, an eligible LEA, an eligible private
528 provider, or an eligible home-based educational technology provider that operates a high
529 quality school readiness program may enter into and receive funding through a results-based
530 contract.

531 (b) An eligible LEA, an eligible private provider, or an eligible home-based
532 educational technology provider may not enter into a results-based contract while receiving a
533 grant under Section [53F-6-305](#).

534 (3) A participating program operator shall ensure that each student who is enrolled in a
535 classroom, or who uses a home-based educational technology, that is part of a participating
536 program operator's program has a unique student identifier by:

537 (a) if the participating program operator is an eligible LEA, assigning a unique student
538 identifier to each student enrolled in the classroom; or

539 (b) if the participating program operator is an eligible private provider or eligible
540 home-based technology provider, working with the State Board of Education to assign a unique
541 student identifier to each student enrolled in the classroom or who uses the home-based
542 educational technology.

543 (4) A participating program operator may not use funds received through a
544 results-based contract to supplant funds for an existing high quality school readiness program,
545 but may use the funds to supplement an existing high quality school readiness program.

546 (5) (a) If not prohibited by the Elementary and Secondary Education Act of 1965, 20
547 U.S.C. Secs. 6301-6576, a participating program operator may charge a sliding scale fee, based
548 on household income, to a student enrolled in the participating program operator's program.

549 (b) A participating program operator may use grants, scholarships, or other money to
550 help fund the program.

551 (6) A participating program operator shall:

552 (a) select an evaluator to annually evaluate:

553 (i) the results of the pre- and post-assessment described in Section [53F-6-309](#) for each
554 eligible student funded through a results-based contract;

555 (ii) performance on the performance outcome measure as described in Section
556 53F-6-309; and
557 (iii) for a participating program operator that is a home-based educational technology
558 provider, whether the home-based educational technology is being used with fidelity; and
559 (b) allow classroom visits to ensure the program is a high quality school readiness
560 program by:
561 (i) the evaluator;
562 (ii) the program intermediary;
563 (iii) the investor, if applicable;
564 (iv) the State Board of Education; and
565 (v) the Department of Workforce Services.
566 (7) (a) A participating program operator that is an eligible LEA may contract with an
567 eligible private provider to provide a high quality school readiness program to a portion of the
568 LEA's eligible students if:
569 (i) the results-based contract specifies the number of students to be served by the
570 eligible private provider;
571 (ii) the eligible private provider meets the requirements described in this section for a
572 participating program operator;
573 (iii) the eligible private provider reports the information described in Section
574 53F-6-310 to the board and the contracting eligible LEA; and
575 (iv) the contractual partnership is consistent with the Utah Constitution, Article X,
576 Section 1.
577 (b) An eligible LEA that contracts with an eligible private provider shall provide
578 supportive services to the eligible private provider, which may include:
579 (i) professional development;
580 (ii) staffing or staff support;
581 (iii) materials; or
582 (iv) assessments.
583 Section 7. Section **53F-6-309** is amended to read:
584 **53F-6-309. Results-based contracts -- Assessment selection -- Independent**
585 **evaluators.**

586 ~~[(1) (a) The board may negotiate and enter into a results-based contract with a private~~
 587 ~~entity, selected through a competitive process, to fund:]~~

588 ~~[(i) a high quality preschool program described in Section 53F-6-306;]~~

589 ~~[(ii) a high quality preschool program described in Section 53F-6-307; or]~~

590 ~~[(iii) a home-based education technology program described in Section 53F-6-308.]~~

591 ~~[(b) The board may not issue a results-based contract if the total outstanding~~
 592 ~~obligations of results-based contracts issued by the board under this part would exceed~~
 593 ~~\$15,000,000 at any one time.]~~

594 (1) The board may enter into a results-based contract to fund participation of eligible
 595 students in a high quality school readiness program in accordance with Section 35A-3-209 and
 596 this part.

597 (2) (a) Except as provided in Subsection (3), the board shall include an investor as a
 598 party to a results-based contract.

599 ~~[(c)]~~ (b) The board may provide for a repayment to ~~[a private entity]~~ an investor to
 600 include a return of investment and an additional return on investment, dependent on
 601 achievement of ~~[specific]~~ the performance outcome measures set in the results-based contract.

602 ~~[(d)]~~ (c) The additional return on investment described in Subsection ~~[(1)(c)]~~ (2)(b)
 603 may not exceed 5% above the current Municipal Market Data General Obligation Bond AAA
 604 scale for a 10 year maturity at the time of the issuance of the results-based ~~[school readiness]~~
 605 contract.

606 ~~[(e)]~~ (d) Funding obtained for an early education program ~~[under this part]~~ through a
 607 results-based contract that includes an investor is not a procurement item under Section
 608 63G-6a-103.

609 ~~[(2)]~~ (e) ~~[A contract]~~ A results-based contract that includes an investor shall include:

610 ~~[(a)]~~ (i) a requirement that the repayment to the ~~[private entity]~~ investor be conditioned
 611 on ~~[specific]~~ achieving the performance outcome measures set in the results-based contract;

612 ~~[(b)]~~ (ii) a requirement for an ~~[independent]~~ evaluator to determine whether the
 613 performance ~~[outcomes]~~ outcome measures have been achieved;

614 ~~[(c)]~~ (iii) a provision that repayment to the ~~[private entity]~~ investor is:

615 ~~[(1)]~~ (A) based upon available money in the School Readiness Restricted Account
 616 created in Section 53F-9-402; and

617 ~~[(i)]~~ (B) subject to legislative ~~[appropriation]~~ appropriations; and
 618 ~~[(d)]~~ (iv) a provision that the ~~[private entity]~~ investor is not eligible to receive or view
 619 ~~[any]~~ personally identifiable student data of students funded through ~~[a]~~ the results-based
 620 contract.

621 (f) The board may not issue a results-based contract that includes an investor as a party
 622 to the contract if the total outstanding obligations of results-based contracts that include an
 623 investor as a party to the contract would exceed \$15,000,000 at any one time.

624 (3) (a) The board may enter a results-based contract to directly fund a high quality
 625 school readiness program that has at least four years of data for at least one cohort of students
 626 showing that the high quality school readiness program has met a performance outcome
 627 measure.

628 (b) A results-based contract described in Subsection (3)(a):

629 (i) does not require an investor; and

630 (ii) shall include a provision that:

631 (A) requires that the high quality school readiness program continue to meet a
 632 performance outcome measure; and

633 (B) provides an improvement time frame during which the high quality school
 634 readiness program may continue to receive funding if the high quality school readiness
 635 program fails to continue to meet the performance outcome measure.

636 ~~[(3) The board shall select an independent, nationally recognized early childhood~~
 637 ~~education evaluator, selected through a request for proposals process, to annually evaluate:]~~

638 ~~[(a) performance outcome measures set in a results-based contract of the board; and]~~

639 ~~[(b) a High Quality School Readiness Grant Program recipient's program.]~~

640 (4) The board shall select a uniform assessment of age-appropriate cognitive or
 641 language skills that:

642 (a) is nationally norm-referenced;

643 (b) has established reliability;

644 (c) has established validity with other similar measures and with later school outcomes;

645 and

646 (d) has strong psychometric characteristics.

647 (5) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board

648 shall select at least three independent evaluators with experience in:

649 (i) evaluating school readiness programs; and

650 (ii) administering the assessment selected under Subsection (4).

651 (b) An eligible LEA, eligible private provider, or eligible home-based technology

652 provider that has a results-based contract shall select one of the evaluators described in

653 Subsection (5)(a) to conduct an evaluation described in Section [53F-6-306](#).

654 (c) The board shall select one of the evaluators described in Subsection (5)(a) to

655 conduct an evaluation described in Section [53F-6-305](#).

656 ~~[(5)]~~ (6) (a) At the end of each year of a results-based contract after a student funded

657 through a results-based contract completes kindergarten, the independent evaluator described in

658 Subsection (5)(b) shall determine whether the performance outcome measures set in the

659 results-based contract have been met.

660 ~~[(b) If the independent evaluator determines under Subsection (5)(a) that the~~

661 ~~performance outcome measures have been met, the board may pay the private entity according~~

662 ~~to the terms of the results-based contract.]~~

663 (b) The board may not repay an investor unless the evaluation described in Subsection

664 (6)(a) determines that the performance outcome measures in the results-based contract have

665 been met.

666 ~~[(6)]~~ (7) (a) The board shall ensure that a parent or guardian of an eligible student

667 participating in a program funded ~~[pursuant to]~~ through a results-based contract has given

668 permission and signed an acknowledgment that the student's data may be shared with an

669 independent evaluator for research and evaluation purposes, subject to federal law.

670 (b) The board shall maintain documentation of parental permission required in

671 Subsection ~~[(6)(a)]~~ (7)(a).

672 Section 8. Section **53F-6-310** is amended to read:

673 **53F-6-310. Reporting requirements for a recipient of funding through a**

674 **results-based contract -- Reporting to the Legislature.**

675 (1) An eligible LEA, eligible private provider, or eligible home-based educational

676 technology provider that receives funds ~~[pursuant to]~~ through a results-based contract ~~[under~~

677 this part] shall report annually to the board the following de-identified information for eligible

678 students funded in whole or in part ~~[pursuant to a]~~ through the results-based contract:

679 (a) the number of eligible students served by the [recipient's preschool or home-based
 680 educational technology program] high quality school readiness program, reported by
 681 economically disadvantaged status [and], English language learner status, and the number of
 682 risk factors reported for each eligible student;

683 (b) attendance;

684 (c) cost per eligible student;

685 (d) assessment results of the pre- and post-assessments [~~selected by the board; and~~]
 686 described in Section 53F-6-309;

687 (e) results of the preschool assessment described in Section 53E-4-314; and

688 (f) for an eligible home-based educational technology provider, the average time, and
 689 range of time usage, an eligible student who does not attend another preschool program spends
 690 using the home-based educational technology program per week.

691 [~~(e)~~] (2) The State Board of Education shall annually share with the board aggregated
 692 longitudinal data on eligible students currently [receiving funding] funded under this part and
 693 any eligible students who previously [received funding] funded under this part, including:

694 [(i)] (a) academic achievement outcomes;

695 [(ii)] (b) special education use; [~~and~~]

696 [(iii)] (c) English language learner services[-]; and

697 (d) scores on the kindergarten entry and exit assessment described in Section
 698 53F-4-205.

699 [(2)] (3) For each year of a results-based contract, the board shall report to the
 700 Education Interim Committee [the following] and the Economic Development and Workforce
 701 Services Interim Committee:

702 (a) information [~~collected under~~] described in Subsection (1) for each participating
 703 LEA, private provider, and home-based educational technology provider; [~~and~~]

704 (b) the data described in Subsection (2); and

705 [(b)] (c) the terms of [the] each results-based contract, including, as applicable:

706 (i) the name of [each private entity] the investor and funding source;

707 (ii) the amount of money each [private entity] investor has invested;

708 (iii) the performance outcome measures set in the results-based contract by which
 709 repayment [will be] is determined; and

710 (iv) the repayment schedule to the [~~private entity~~] investor if the performance
 711 [~~outcomes are~~] outcome measures are met.

712 Section 9. Section **53F-9-402** is amended to read:

713 **53F-9-402. School Readiness Restricted Account -- Creation -- Funding --**

714 **Distribution of funds.**

715 (1) The terms defined in Section **53F-6-301** apply to this section.

716 (2) There is created in the General Fund a restricted account known as the "School
 717 Readiness Restricted Account"[~~to fund:~~].

718 [~~(a) the High Quality School Readiness Grant Program described in Section~~
 719 **53F-6-305**, and]

720 [~~(b) results-based school readiness contracts for eligible students to participate in:~~

721 [~~(i) a high quality preschool program described in:~~

722 [~~(A) Section **53F-6-306**; or~~

723 [~~(B) Section **53F-6-307**; or~~

724 [~~(ii) an eligible home-based educational technology program described in Section~~
 725 **53F-6-308**.]

726 (3) The [~~restricted account~~] School Readiness Restricted Account consists of:

727 (a) money appropriated [~~to the restricted account~~] by the Legislature;

728 (b) all income and interest derived from the deposit and investment of money in the
 729 account;

730 (c) federal grants; and

731 (d) private donations.

732 (4) Subject to legislative appropriations, money in the restricted account may be used
 733 [~~for the following purposes~~]:

734 (a) to award [~~grants~~] a grant under the High Quality School Readiness Grant Program
 735 described in Section **53F-6-305**;

736 (b) to contract with [~~an independent evaluator as required in Subsection **53F-6-309**(3)]~~
 737 an independent evaluator described in Section **53F-6-309**;

738 [~~(c) in accordance with Section **53F-6-309**, to make payments to one or more private~~
 739 entities that the board has entered into a results-based contract with if the independent
 740 evaluator selected by the board determines that the performance-based results have been met;

741 and]
742 (c) to fund the participation of eligible students in a high quality school readiness
743 program through a results-based contract; and

744 (d) for administration costs and to monitor the programs described in [~~this part~~]
745 Section 35A-3-209 and Chapter 6, Part 3, School Readiness Initiative.

746 Section 10. **Repealer.**

747 This bill repeals:

748 Section **53F-6-307, High quality preschool programs for eligible private providers.**

749 Section **53F-6-308, Home-based educational technology for school readiness.**

Legislative Review Note
Office of Legislative Research and General Counsel