

Representative Bradley G. Last proposes the following substitute bill:

SCHOOL READINESS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill amends and enacts preschool provisions.

Highlighted Provisions:

This bill:

- ▶ renumbers and amends provisions of the High Quality School Readiness Program and the School Readiness Initiative and enacts, under the School Readiness Board (Readiness Board) within the Department of Workforce Services (Department), Title 35A, Chapter 15, Preschool Programs, including enacting and amending:
 - definitions;
 - provisions related to the membership and duties of the Readiness Board;
 - provisions governing grants to become or expand an existing high quality school readiness program;
 - provisions requiring the State Board of Education (State Board) to conduct preschool evaluations and provide reports; and
 - provisions governing results-based contracts for a school readiness program;
- ▶ amends school readiness assessment provisions;
- ▶ amends UPSTART definitions;
- ▶ requires a contractor to cooperate with certain private preschool provider personnel;



- 26 ▶ directs the State Board, when entering a contract with an UPSTART provider, to
- 27 require the provider to prioritize enrollment of preschool children living within the
- 28 boundaries of a qualified school or enrolled in a qualified preschool;
- 29 ▶ allows certain qualified participants to obtain a computer and other services for the
- 30 duration of the qualified participant's participation in UPSTART;
- 31 ▶ allows the State Board to use certain appropriations for administration of the
- 32 UPSTART program;
- 33 ▶ requires the UPSTART program evaluator to use certain assessments;
- 34 ▶ requires the State Board to report on the number of private preschool providers and
- 35 public preschools participating in the program;
- 36 ▶ repeals:
- 37 • the Intergenerational Poverty School Readiness Scholarship Program and related
- 38 provisions;
- 39 • the home-based technology high quality school readiness program;
- 40 • provisions authorizing the State Board or a school district to purchase
- 41 computers, peripheral equipment, and Internet service for low income families;
- 42 • provisions requiring an UPSTART contractor to obtain certain supporting
- 43 documentation from participating individuals; and
- 44 • provisions requiring the Department to provide certain training to early
- 45 childhood teachers; and
- 46 ▶ makes technical and conforming changes.

47 Money Appropriated in this Bill:

48 This bill appropriates in fiscal year 2020:

- 49 ▶ to Department of Workforce Services - Operations and Policy - Workforce
- 50 Development Division, as an ongoing appropriation:
- 51 • from the General Fund, \$6,000,000;
- 52 ▶ to State Board of Education - General System Support - Teaching and Learning, as
- 53 an ongoing appropriation:
- 54 • from the Education Fund, \$500,000; and
- 55 ▶ to the State Board of Education - Initiative Programs - UPSTART, as an ongoing
- 56 appropriation:

57 • from the Education Fund, \$5,500,000.

58 **Other Special Clauses:**

59 This bill provides coordination clauses.

60 **Utah Code Sections Affected:**

61 AMENDS:

62 **53E-4-308**, as renumbered and amended by Laws of Utah 2018, Chapter 1

63 **53E-4-314**, as enacted by Laws of Utah 2018, Chapter 389

64 **53E-9-301**, as last amended by Laws of Utah 2018, Chapters 304, 389 and renumbered
65 and amended by Laws of Utah 2018, Chapter 1

66 **53F-4-401**, as renumbered and amended by Laws of Utah 2018, Chapter 2

67 **53F-4-402**, as last amended by Laws of Utah 2018, Chapter 163 and renumbered and
68 amended by Laws of Utah 2018, Chapter 2

69 **53F-4-403**, as renumbered and amended by Laws of Utah 2018, Chapter 2

70 **53F-4-404**, as renumbered and amended by Laws of Utah 2018, Chapter 2

71 **53F-4-406**, as renumbered and amended by Laws of Utah 2018, Chapter 2

72 **53F-4-407**, as renumbered and amended by Laws of Utah 2018, Chapter 2

73 **63J-1-602.1**, as last amended by Laws of Utah 2018, Chapters 114, 347, 430 and
74 repealed and reenacted by Laws of Utah 2018, Chapter 469

75 ENACTS:

76 **35A-15-101**, Utah Code Annotated 1953

77 **35A-15-303**, Utah Code Annotated 1953

78 RENUMBERS AND AMENDS:

79 **35A-15-102**, (Renumbered from 53F-6-301, as last amended by Laws of Utah 2018,
80 Chapter 389 and renumbered and amended by Laws of Utah 2018, Chapter 2)

81 **35A-15-201**, (Renumbered from 35A-3-209, as renumbered and amended by Laws of
82 Utah 2018, Chapter 389)

83 **35A-15-202**, (Renumbered from 53F-6-304, as renumbered and amended by Laws of
84 Utah 2018, Chapter 2)

85 **35A-15-203**, (Renumbered from 35A-3-210, as renumbered and amended by Laws of
86 Utah 2018, Chapter 389)

87 **35A-15-301**, (Renumbered from 53F-6-305, as last amended by Laws of Utah 2018,

88 Chapter 389 and renumbered and amended by Laws of Utah 2018, Chapter 2)
89 **35A-15-302**, (Renumbered from 53F-5-303, as renumbered and amended by Laws of
90 Utah 2018, Chapter 2)

91 **35A-15-401**, (Renumbered from 53F-6-306, as renumbered and amended by Laws of
92 Utah 2018, Chapter 2 and repealed and reenacted by Laws of Utah 2018, Chapter
93 389)

94 **35A-15-402**, (Renumbered from 53F-6-309, as last amended by Laws of Utah 2018,
95 Chapter 389 and renumbered and amended by Laws of Utah 2018, Chapter 2)

96 REPEALS:

97 **35A-9-401**, as last amended by Laws of Utah 2018, Chapter 415

98 **53F-4-405**, as renumbered and amended by Laws of Utah 2018, Chapter 2

99 **53F-5-301**, as renumbered and amended by Laws of Utah 2018, Chapter 2

100 **53F-5-302**, as renumbered and amended by Laws of Utah 2018, Chapter 2

101 **53F-5-304**, as renumbered and amended by Laws of Utah 2018, Chapter 2

102 **53F-5-305**, as renumbered and amended by Laws of Utah 2018, Chapter 2

103 **53F-5-306**, as renumbered and amended by Laws of Utah 2018, Chapter 2

104 **53F-5-307**, as renumbered and amended by Laws of Utah 2018, Chapter 2

105 **53F-6-303**, as last amended by Laws of Utah 2018, Chapter 389

106 **53F-6-310**, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and
107 amended by Laws of Utah 2018, Chapter 2

108 **Utah Code Sections Affected by Coordination Clause:**

109 **35A-15-102**, Utah Code Annotated 1953

110 **53F-6-301**, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and
111 amended by Laws of Utah 2018, Chapter 2



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

114 Section 1. Section **35A-15-101** is enacted to read:

115 **CHAPTER 15. PRESCHOOL PROGRAMS**

116 **Part 1. General Provisions**

117 **35A-15-101. Title.**

118 This chapter is known as "Preschool Programs."

119 Section 2. Section **35A-15-102**, which is renumbered from Section 53F-6-301 is
 120 renumbered and amended to read:

121 ~~[53F-6-301].~~ **35A-15-102. Definitions.**

122 As used in this ~~[part]~~ chapter:

123 (1) "Board" means the School Readiness Board, created in Section ~~[35A-3-209]~~
 124 35A-15-201.

125 (2) "Economically disadvantaged" means to be eligible to receive free or reduced price
 126 lunch.

127 (3) "Eligible home-based educational technology provider" means a provider that
 128 ~~[intends to offer]~~ offers a home-based educational technology program to develop the school
 129 readiness skills of an eligible student.

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

133 (b) "Eligible LEA" includes a program exempt from licensure under Subsection
 134 26-39-403(2)(c).

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

136 (i) ~~[(A) except as provided in Subsection (5)(b);]~~ is licensed under Title 26, Chapter
 137 39, Utah Child Care Licensing Act; or

138 ~~[(B)]~~ (ii) except as provided in Subsection (5)(b)(ii), is exempt from licensure under
 139 Section 26-39-403~~[-; and]~~.

140 ~~[(ii) meets other criteria as established by the board, consistent with Utah Constitution;~~
 141 ~~Article X, Section 1.]~~

142 (b) "Eligible private provider" does not include:

143 (i) residential child care, as defined in Section 26-39-102~~[-];~~ or

144 (ii) a program exempt from licensure under Subsection 26-39-403(2)(c).

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

146 (a) (i) who is age three, four, or five; and

147 (ii) is not eligible for enrollment under Subsection 53G-4-402(6); and

148 ~~[(a)]~~ (b) (i) (A) who is economically disadvantaged; and

149 ~~[(b)]~~ (B) whose parent or legal guardian reports that the student has experienced at

150 least one risk factor[-]; or

151 (ii) is an English learner.

152 (7) ~~["Evaluator"]~~ "Evaluation" means an ~~[independent evaluator selected in accordance~~
153 ~~with Section 53F-3-309.]~~ evaluation conducted in accordance with Section 35A-15-303.

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

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

157 (b) meets the elements of a high quality school readiness program described in Section
158 ~~[53F-6-304]~~ 35A-15-202.

159 (9) "Investor" means a person that enters into a results-based contract to provide
160 funding to a high quality school readiness program on the condition that the person will receive
161 payment in accordance with Section ~~[53F-6-309]~~ 35A-15-402 if the high quality school
162 readiness program meets the performance outcome measures included in the results-based
163 contract.

164 (10) "Kindergarten assessment" means the kindergarten entry assessment described in
165 Section 53F-4-205.

166 (11) "Kindergarten transition plan" means a plan that supports the smooth transition of
167 a preschool student to kindergarten and includes communication and alignment among the
168 preschool, program, parents, and K-12 personnel.

169 ~~[(10)]~~ (12) "Local Education Agency" or "LEA" means a school district or charter
170 school.

171 ~~[(11)]~~ ~~"Pay for success program" means a program funded through a model in which the~~
172 ~~program is initially funded through private funding and the entity providing the private funding~~
173 ~~receives repayment through public funding if the program achieves certain outcomes.];~~

174 ~~[(12)]~~ (13) "Performance outcome measure" means ~~[a cost avoidance in special~~
175 ~~education use for a student at-risk for later special education placement in kindergarten through~~
176 ~~grade 12 who receives preschool education funded pursuant to a results-based contract.];~~

177 (a) indicators, as determined by the board, on the school readiness assessment and the
178 kindergarten assessment; or

179 (b) for a results-based contract, the indicators included in the contract.

180 ~~[(13)]~~ ~~"Program intermediary" means an entity selected by the board under Section~~

181 ~~35A-3-209~~ to coordinate with the Department of Workforce Services to provide program
182 support to the board.]

183 (14) "Results-based contract" means a contract that:
184 (a) is entered into in accordance with Section ~~[53F-3-309]~~ 35A-15-402;
185 (b) includes a performance outcome measure; and
186 (c) is between~~[(t)]~~ the board, a provider of a high quality school readiness program,
187 and an investor~~[-; or]~~.

188 ~~[(ii) the board and a provider of a high quality school readiness program.]~~

189 (15) "Risk factor" means:
190 (a) having a mother who was 18 years old or younger when the child was born;
191 (b) a member of a child's household is incarcerated;
192 (c) living in a neighborhood with high violence or crime;
193 (d) having one or both parents with a low reading ability;
194 (e) moving at least once in the past year;
195 (f) having ever been in foster care;
196 (g) living with multiple families in the same household;
197 (h) having exposure in a child's home to:
198 (i) physical abuse or domestic violence;
199 (ii) substance abuse;
200 (iii) the death or chronic illness of a parent or sibling; or
201 (iv) mental illness;
202 (i) the primary language spoken in a child's home is a language other than English; or
203 (j) having at least one parent who has not completed high school.

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

207 (16) "School readiness assessment" means the same as that term is defined in Section
208 53E-4-314.

209 (17) "Tool" means the tool developed in accordance with Section 35A-15-303.

210 Section 3. Section **35A-15-201**, which is renumbered from Section 35A-3-209 is
211 renumbered and amended to read:

212 **Part 2. School Readiness Board and Account**

213 ~~[35A-3-209].~~ 35A-15-201. Establishment of the School Readiness Board --

214 **Membership -- Funding prioritization.**

215 ~~[(1) The terms defined in Section 53F-6-301 apply to this section.]~~

216 ~~[(2)] (1)~~ There is created the School Readiness Board within the ~~[Department of~~
217 ~~Workforce Services]~~ department composed of:

218 (a) the executive director ~~[of the Department of Workforces Services]~~ or the executive
219 director's designee;

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

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

222 (d) ~~[one member who has]~~ two members who have research experience in the area of
223 early childhood development, ~~[including special education,]~~ with:

224 (i) one member who is not a legislator and is appointed by the speaker of the House of
225 Representatives; and

226 (ii) one member who represents the Utah Data Research Center appointed by the
227 executive director;

228 (e) one member, who is not a legislator and is appointed by the president of the Senate,
229 who:

230 (i) has expertise in ~~[pay for success programs]~~ results-based contracts; or

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

233 (f) one member, appointed by the executive director, who has expertise in early
234 childhood education;

235 (g) one member, appointed by the state superintendent, who has expertise in early
236 childhood education;

237 (h) one member, appointed by the governor, who represents a nonprofit corporation
238 that focuses on early childhood education; and

239 (i) one member, appointed by the executive director, who owns and operates a licensed
240 child care center located in the state.

241 ~~[(3)]~~ (2) (a) A member described in Subsection ~~[(2)]~~ (1)(b), (c), (d), [or] (e), (f), (g), or
242 (h) shall serve for a term of two years.

243 (b) If a vacancy occurs for a member described in Subsection ~~[(2)]~~ (1)(b), (c), (d), ~~or~~
244 ~~(e), (f), (g), or (h)~~, the ~~person~~ individual appointing the member shall appoint a replacement
245 to serve the remainder of the member's term.

246 ~~[(4)]~~ (3) (a) A member may not receive compensation or benefits for the member's
247 service.

248 (b) A member may serve more than one term.

249 ~~[(5)]~~ (4) The department shall provide staff support to the board.

250 ~~[(6)]~~ (5) (a) The board members shall elect a chair of the board from the board's
251 membership.

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

253 (6) In allocating funding received under this chapter, the board shall:

254 (a) give first priority to repayment of an investor who is a party to a results-based
255 contract under the Laws of Utah, 2014, Chapter 304, Section 10; and

256 (b) determine prioritization of funding for the remaining programs described in this
257 chapter.

258 ~~[(7) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, and subject to~~
259 ~~Subsection (8), the board shall:]~~

260 ~~[(a) select a program intermediary that:]~~

261 ~~[(i) is a nonprofit entity; and]~~

262 ~~[(ii) has experience:]~~

263 ~~[(A) developing and executing contracts;]~~

264 ~~[(B) structuring the terms and conditions of a pay for success program;]~~

265 ~~[(C) coordinating the funding and management of a pay for success program; and]~~

266 ~~[(D) raising private investment capital necessary to fund program services related to a~~
267 ~~pay for success program; and]~~

268 ~~[(b) enter into a contract with the program intermediary:]~~

269 ~~[(8) The board may not enter into a contract described in Subsection (7) without the~~
270 ~~consent of the department regarding:]~~

271 ~~[(a) the program intermediary selected; and]~~

272 ~~[(b) the terms of the contract.]~~

273 ~~[(9) A contract described in Subsection (7)(b) shall:]~~

274 ~~[(a) require the program intermediary to:]~~
 275 ~~[(i) seek out participants for results-based contracts;]~~
 276 ~~[(ii) advise the board on results-based contracts; and]~~
 277 ~~[(iii) make recommendations directly to the board on:]~~
 278 ~~[(A) when to enter a results-based contract; and]~~
 279 ~~[(B) the terms of a results-based contract; and]~~
 280 ~~[(b) include a provision that the program intermediary is not eligible to receive or view~~
 281 ~~personally identifiable student data of eligible students funded under the School Readiness~~
 282 ~~Initiative described in this part and Title 53F, Chapter 6, Part 3, School Readiness Initiative.]~~
 283 ~~[(10) In allocating funding, the board shall:]~~
 284 ~~[(a) give first priority to a results-based contract described in Subsection [53F-6-309\(3\)](#)~~
 285 ~~to fund a high quality school readiness program directly;]~~
 286 ~~[(b) give second priority to a results-based contract that includes an investor; and]~~
 287 ~~[(c) give third priority to a grant described in Section [53F-6-305](#).]~~
 288 ~~[(11) Other powers and duties of the board are described in Title 53F, Chapter 6, Part~~
 289 ~~3, School Readiness Initiative.].]~~

290 Section 4. Section **35A-15-202**, which is renumbered from Section 53F-6-304 is
 291 renumbered and amended to read:

292 ~~[[53F-6-304](#)].~~ **35A-15-202. Elements of a high quality school readiness**
 293 **program.**

294 (1) A high quality school readiness program run by an eligible LEA or eligible private
 295 provider shall include the following components:

296 (a) an evidence-based curriculum that is aligned with all of the developmental domains
 297 and academic content areas defined in the Utah Early Childhood Standards adopted by the
 298 State Board of Education~~[, and]~~ that incorporates:

299 (i) intentional and differentiated instruction in whole group, small group, and
 300 child-directed learning~~[, including the following academic content areas:]; and~~

301 (ii) explicit instruction in key areas of literacy and numeracy, as determined by the
 302 State Board of Education, that:

303 (A) is teacher led or through a partnership with a contractor as defined in Section
 304 [53F-4-401](#);

- 305 (B) includes specific literary and numeracy skills, such as phonological awareness; and
306 (C) includes provider monitoring and ongoing professional learning and coaching;
307 ~~[(i) oral language and listening comprehension;]~~
308 ~~[(ii) phonological awareness and prereading;]~~
309 ~~[(iii) alphabet and word knowledge;]~~
310 ~~[(iv) prewriting;]~~
311 ~~[(v) book knowledge and print awareness;]~~
312 ~~[(vi) numeracy;]~~
313 ~~[(vii) creative arts;]~~
314 ~~[(viii) science and technology; and]~~
315 ~~[(ix) social studies, health, and safety;]~~
316 (b) ongoing, focused, and intensive professional development for staff of the school
317 readiness program;
318 (c) ongoing assessment of a student's educational growth and developmental progress
319 to inform instruction;
320 (d) ~~[a pre- and post-assessment of each student whose parent or legal guardian consents~~
321 ~~to the assessment that, for a school readiness program receiving funding under this part, is~~
322 ~~selected by the board in accordance with Section 53F-6-309]~~ administration of the school
323 readiness assessment to each student;
324 (e) for a preschool program run by an eligible LEA, a class size that does not exceed 20
325 students, with one adult for every 10 students in the class;
326 (f) ongoing program evaluation and data collection to monitor program goal
327 achievement and implementation of required program components;
328 (g) family engagement, including ongoing communication between home and school,
329 and parent education opportunities based on each family's circumstances;
330 (h) for a preschool program run by an eligible LEA, each teacher having at least
331 obtained:
332 (i) the minimum standard of a child development associate certification; or
333 (ii) an associate or bachelor's degree in an early childhood education related field; ~~[and]~~
334 (i) for a preschool program run by an eligible private provider, by a teacher's second
335 year, each teacher having at least obtained:

- 336 (i) the minimum standard of a child development associate certification; or
- 337 (ii) an associate or bachelor's degree in an early childhood education related field[-];

338 and

339 (j) a kindergarten transition plan.

340 (2) A high quality school readiness program run by a home-based educational
341 technology provider shall:

342 (a) be an evidence-based and age appropriate individualized interactive instruction
343 assessment and feedback technology program that teaches eligible students early learning skills
344 needed to be successful upon entry into kindergarten;

345 (b) require regular parental engagement with the student in the student's use of the
346 home-based educational technology program;

347 (c) be aligned with the Utah early childhood core standards;

348 (d) require the administration of a pre- and post-assessment of each student whose
349 parent or legal guardian consents to the assessment that, for a home-based technology program
350 that receives funding under this part, is designated by the board in accordance with Section
351 ~~[53F-6-309]~~ 35A-15-402; and

352 (e) require technology providers to ensure successful implementation and utilization of
353 the technology program.

354 Section 5. Section **35A-15-203**, which is renumbered from Section 35A-3-210 is
355 renumbered and amended to read:

356 ~~[35A-3-210].~~ **35A-15-203. School Readiness Restricted Account --**
357 **Creation -- Funding -- Distribution of funds.**

358 ~~[(1) The terms defined in Section 53F-6-301 apply to this section.]~~

359 ~~[(2)]~~ (1) There is created in the General Fund a restricted account known as the
360 "School Readiness Restricted Account".

361 ~~[(3)]~~ (2) The School Readiness Restricted Account consists of:

362 (a) money appropriated by the Legislature;

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

365 (c) federal grants; and

366 (d) private donations.

367 ~~[(4)]~~ (3) Subject to legislative appropriations, money in the restricted account may be
 368 used:

369 (a) to award a grant under ~~[the High Quality School Readiness Grant Program~~
 370 ~~described in Section 53F-6-305]~~ Section 35A-15-301 or 35A-15-302;

371 (b) to contract with an evaluator;

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

374 (d) for administration costs and to monitor the programs described in [~~Section~~
 375 ~~35A-3-209 and Title 53F, Chapter 6, Part 3, School Readiness Initiative]~~ this part.

376 Section 6. Section **35A-15-301**, which is renumbered from Section 53F-6-305 is
 377 renumbered and amended to read:

378 **Part 3. Grants for High Quality School Readiness Programs**

379 ~~[53F-6-305].~~ **35A-15-301. Becoming High Quality School Readiness Grant**
 380 **Program.**

381 (1) The High Quality School Readiness Grant Program is created to provide grants to
 382 the following, in order to ~~[upgrade]~~ assist an existing preschool or home-based educational
 383 technology program ~~[to]~~ in becoming a high quality school readiness program:

384 (a) an eligible private provider;

385 (b) an eligible LEA; or

386 (c) an eligible home-based educational technology provider.

387 (2) The board, in cooperation with the department and the State Board of Education,
 388 shall ~~[:(a)]~~ solicit proposals from eligible LEAs; ~~and~~, eligible private providers, and eligible
 389 home-based educational technology providers.

390 ~~[(b) make recommendations to the board to award grants to respondents based on~~
 391 ~~criteria described in Subsection (5).]~~

392 ~~[(3) The Department of Workforce Services shall:]~~

393 ~~[(a) solicit proposals from eligible private providers and eligible home-based~~
 394 ~~educational technology providers; and]~~

395 ~~[(b) make recommendations to the board to award grants to respondents based on~~
 396 ~~criteria described in Subsection (5).]~~

397 ~~[(4)]~~ (3) Subject to legislative appropriations, and the prioritization described in

398 Section ~~[35A-3-209]~~ [35A-15-201](#), the board shall award grants to respondents based on:

399 ~~[(a) the recommendations of the State Board of Education;]~~

400 ~~[(b) the recommendations of the Department of Workforce Services; and]~~

401 ~~[(c) the criteria described in Subsection (5).]~~

402 ~~[(5) (a) In awarding a grant under Subsection (4), the State Board of Education,~~

403 ~~Department of Workforce Services, and the board shall consider:]~~

404 ~~[(i) (a) a respondent's capacity to effectively implement the components described in~~

405 ~~Section ~~[53F-6-304]~~ [35A-15-202](#);~~

406 ~~[(ii) (b) the percentage of a respondent's students who are eligible students; and~~

407 ~~[(iii) (c) the level of administrative support and leadership at a respondent's program~~

408 ~~to effectively implement, monitor, and evaluate the program.~~

409 ~~[(b) The board may not award a grant to an LEA without obtaining approval from the~~

410 ~~State Board of Education to award the grant to the LEA.]~~

411 ~~[(6) (4) To receive a grant under this section, a respondent ~~[that is an eligible LEA]~~~~

412 ~~shall submit a proposal to the ~~[State Board of Education]~~ board detailing:~~

413 ~~(a) the respondent's strategy to implement the high quality components described in~~

414 ~~Section ~~[53F-6-304]~~ [35A-15-202](#);~~

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

416 ~~whether the students are eligible students;~~

417 ~~(c) for an eligible LEA or eligible private provider, the number of high quality school~~

418 ~~readiness program classrooms the respondent plans to operate; and~~

419 ~~(d) the estimated cost per student.~~

420 ~~[(7) To receive a grant under this section, a respondent that is an eligible private~~

421 ~~provider or an eligible home-based educational technology provider shall submit a proposal to~~

422 ~~the Department of Workforce Services detailing:]~~

423 ~~[(a) the respondent's strategy to implement the high quality components described in~~

424 ~~Section ~~53F-6-304~~;~~

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

426 ~~whether the students are eligible students;]~~

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

428 ~~school readiness program classrooms the respondent plans to operate; and]~~

429 ~~[(d) the estimated cost per student.]~~

430 ~~[(8)]~~ (5) (a) A recipient of a grant under this section shall use the grant to move the
 431 recipient's preschool program toward achieving the components described in Section
 432 ~~[53F-6-304]~~ 35A-15-202.

433 (b) A recipient of a grant under this section may not:

434 (i) enter into a results-based contract while the recipient receives the grant~~[-];~~ or

435 (ii) receive grant funds under Section 35A-15-302.

436 ~~[(9)(a) A grant recipient shall allow classroom or other visits by an evaluator:]~~

437 ~~[(b) The evaluator shall:]~~

438 ~~[(i) determine whether a grant recipient has effectively implemented the components~~
 439 ~~described in Section 53F-6-304; and]~~

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

441 ~~[(10)]~~ (6) A recipient of a grant under this section shall ensure that each student who is
 442 enrolled in a classroom or who uses a home-based educational technology program supported
 443 by the grant has a unique student identifier by:

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

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

450 ~~[(11)]~~ (7) A grant recipient that is an eligible LEA shall report annually to the board
 451 and the State Board of Education the following:

452 (a) number of students served by the preschool, including the number of students who
 453 are eligible students;

454 (b) attendance;

455 (c) cost per student; and

456 (d) ~~[assessment results]~~ assessment results, including the school readiness assessment,
 457 kindergarten assessment, and other assessments as determined by the board.

458 ~~[(12)]~~ (8) A grant recipient that is an eligible private provider or an eligible
 459 home-based educational technology provider shall report annually to the board and the

460 [~~Department of Workforce Services~~] department the following:

461 (a) number of students served by the preschool or program, including the number of
462 students who are eligible students;

463 (b) attendance;

464 (c) cost per student; and

465 (d) [~~assessment results~~] assessment results, including the school readiness assessment
466 and other assessments as determined by the board.

467 [(13)] (9) The [~~State Board of Education and the Department of Workforce Services~~]
468 board shall make rules to effectively administer and monitor the grant program described in
469 this section, including:

470 (a) requiring grant recipients to use [~~the pre- and post-assessment selected by the board~~]
471 in accordance with Section 53F-6-309] assessments, including the school readiness assessment,
472 as determined by the board; and

473 (b) establishing reporting requirements for grant recipients.

474 [(14) ~~At the request of the board, the State Board of Education and the Department of~~
475 ~~Workforce Services shall annually share the information received from grant recipients~~
476 ~~described in Subsections (11) and (12) with the board.~~]

477 Section 7. Section **35A-15-302**, which is renumbered from Section 53F-5-303 is
478 renumbered and amended to read:

479 [~~53F-5-303~~]. **35A-15-302. Expanded Student Access to High Quality**
480 **School Readiness Programs Grant Program -- Determination of high quality school**
481 **readiness program-- Reporting requirement.**

482 (1) There is created the Student Access to High Quality School Readiness Programs
483 Grant Program to expand access to high quality school readiness programs for eligible students
484 through[:] grants administered by the board for eligible LEAs and eligible private providers.

485 [~~(a) grants for LEAs administered by the board; and~~]

486 [~~(b) grants for eligible private providers administered by the department.~~]

487 [(2) ~~The board, in coordination with the department, shall develop a tool to determine~~
488 ~~whether a school readiness program is a high quality school readiness program.~~]

489 [(3)(a)] (2) The board, in cooperation with the department and the State Board of
490 Education, shall solicit proposals from eligible LEAs and eligible private providers to fund

491 increases in the number of eligible students high quality school readiness programs can serve.

492 ~~[(b) The department shall solicit proposals from eligible private providers to fund~~
493 ~~increases in the number of eligible students high quality school readiness programs can serve.]~~

494 ~~[(4)] (3) (a) Except as provided in Subsection [(4)] (3)(c), a respondent shall submit a~~
495 ~~proposal that includes the information described in Subsection [(4)] (3)(b)[:(i)] to the board[;~~
496 ~~for a respondent that is an LEA; or];~~

497 ~~[(ii) to the department, for a respondent that is an eligible private provider.]~~

498 (b) A respondent's proposal for the grant solicitation described in Subsection [(3)] (2)
499 shall include:

500 (i) the respondent's existing and proposed school readiness program, including:

501 (A) the number of students served by the respondent's school readiness program;

502 (B) the respondent's policies and procedures for admitting students into the school
503 readiness program;

504 (C) the estimated cost per student; and

505 (D) any fees the respondent charges to a parent or legal guardian for the school
506 readiness program;

507 (ii) the respondent's plan to use funding sources, in addition to a grant described in this
508 section, including:

509 (A) federal funding; or

510 (B) private grants or donations;

511 (iii) existing or planned partnerships between the respondent and an LEA, eligible
512 private provider, or eligible home-based technology provider to increase access to high quality
513 school readiness programs for eligible students;

514 (iv) how the respondent would use a grant to:

515 (A) expand the number of eligible students served by the respondent's school readiness
516 program; and

517 (B) target the funding toward the highest risk students~~[-, including addressing the~~
518 ~~particular needs of children at risk of experiencing intergenerational poverty];~~

519 ~~[(v) how the respondent's school readiness program is a high quality school readiness~~
520 ~~program; and]~~

521 ~~[(vi)] (v) the results of any evaluations of the respondent's school readiness program[-];~~

522 and

523 (vi) a demonstration that the respondent's existing school readiness program meets
524 performance outcome measures.

525 (c) In addition to the requirements described in Subsection ~~[(4)]~~ (3)(b), a respondent
526 that is an eligible LEA shall describe in the respondent's proposal the percentage of the
527 respondent's kindergarten through grade 12 students who are economically disadvantaged
528 ~~[children].~~

529 ~~[(5)(a)]~~ (4) For each ~~[LEA]~~ proposal received in response to the solicitation described
530 in Subsection ~~[(3)(a)]~~ (2), the board shall determine if the ~~[LEA]~~ respondent school readiness
531 program is a high quality school readiness program by:

532 ~~[(i)]~~ (a) applying the tool ~~[described in Subsection (2)]~~; and

533 ~~[(ii) conducting at least one site visit to the program.]~~

534 (b) reviewing performance outcome measures.

535 (5) (a) Subject to legislative appropriations and Subsection (9), the board shall award a
536 grant to a respondent.

537 ~~[(b) For each eligible private provider proposal received in response to the solicitation~~
538 ~~described in Subsection (3)(b), the department shall determine if the school readiness program~~
539 ~~is a high quality school readiness program by:]~~

540 ~~[(i) applying the tool described in Subsection (2); and]~~

541 ~~[(ii) conducting at least one site visit to the program.]~~

542 ~~[(6) (a) Subject to legislative appropriations and Subsection (6)(b), the board shall~~
543 ~~award grants, on a competitive basis, to respondents that are LEAs.]~~

544 (b) The board may only award a grant to ~~[an LEA]~~ a respondent if:

545 (i) the ~~[LEA]~~ respondent submits a proposal that includes the information required
546 under Subsection ~~[(4)]~~ (3); and

547 (ii) the board determines that the ~~[LEA's]~~ respondent's program is a high quality school
548 readiness program ~~[as described in Subsection (5); and]~~ in accordance with Subsection (4).

549 ~~[(iii) the LEA agrees to the evaluation requirements described in Section 53F-5-307.]~~

550 ~~[(7) (a) Subject to legislative appropriations and Subsection (7)(b), the department~~
551 ~~shall award grants, on a competitive basis, to respondents that are eligible private providers.]~~

552 ~~[(b) The department may only award a grant to a respondent if:]~~

553 ~~[(i) the respondent submits a proposal that includes the information required under~~
554 ~~Subsection (4);]~~

555 ~~[(ii) the department determines that the respondent's school readiness program is a high~~
556 ~~quality school readiness program as described in Subsection (5); and]~~

557 ~~[(iii) the respondent agrees to the evaluation requirements described in Section~~
558 ~~53F-5-307.]~~

559 (c) (i) A recipient of a grant may use funds received under this section to supplement
560 an existing program but not supplant other funding.

561 (ii) An eligible LEA or an eligible private provider may not receive funding under this
562 section if the eligible LEA or eligible private provider receives funding under Section
563 35A-15-301 or 35A-15-401.

564 ~~[(8)] (6)~~ In evaluating a proposal received in response to the solicitation described in
565 Subsection ~~[(3)] (2)~~, the board ~~[and the department]~~ shall consider:

566 (a) the number and percent of students in the respondent's high quality school readiness
567 program that are eligible students at the highest risk;

568 (b) geographic diversity, including whether the respondent is urban or rural;

569 (c) the extent to which the respondent intends to participate in a partnership with an
570 LEA, eligible private provider, or eligible home-based technology provider; and

571 (d) the respondent's level of administrative support and leadership to effectively
572 implement, monitor, and evaluate the program.

573 ~~[(9) (a) The board shall ensure that an LEA that receives a grant under this section~~
574 ~~funded by TANF funds uses the grant to provide a high quality school readiness program for~~
575 ~~eligible students who are eligible to receive assistance through TANF.]~~

576 ~~[(b) The department shall ensure that a private provider that receives a grant under this~~
577 ~~section funded by TANF funds uses the grant to provide a high quality school readiness~~
578 ~~program for eligible students who are eligible to receive assistance through TANF.]~~

579 ~~[(10)] (7)~~ A respondent that receives a grant under this section shall:

580 (a) use the grant to expand access for eligible students to high quality school readiness
581 programs by enrolling eligible students in a high quality school readiness program;

582 (b) report to the board annually regarding:

583 (i) how the respondent used the grant awarded under Subsection ~~[(6) or (7)] (5)~~;

584 (ii) participation in any partnerships between an LEA, eligible private provider, or
585 eligible home-based technology provider; and
586 (iii) the results of any evaluations;

587 (c) allow classroom or other visits ~~[by an independent evaluator selected by the board~~
588 ~~under Section 53F-5-307]~~ for an evaluation; and

589 (d) for a respondent that is an eligible LEA, notify a parent or legal guardian who
590 expresses interest in enrolling the parent or legal guardian's child in the LEA's high quality
591 school readiness program of each state-funded high quality school readiness program operating
592 within the eligible LEA's geographic boundaries.

593 ~~[(11) An LEA that receives a grant under this section may charge a student fee to~~
594 ~~participate in an LEA's school readiness program if:]~~

595 ~~[(a) the LEA's local school board or charter school governing board approves the fee;]~~
596 ~~[(b) the fee for a student does not exceed the actual cost of providing the high quality~~
597 ~~school readiness program to the student; and]~~

598 ~~[(c) the fee structure for the program is designed on a sliding scale, based on household~~
599 ~~income.]~~

600 ~~[(12)]~~ (8) (a) The board shall establish interventions for a grantee ~~[that is an LEA]~~ that
601 fails to comply with the requirements described in this section or meet the benchmarks
602 described in Subsection (8)(c).

603 ~~[(b) The department shall establish interventions for a grantee that is an eligible private~~
604 ~~provider that fails to comply with the requirements described in this section.]~~

605 ~~[(e)]~~ (b) An intervention under this Subsection ~~[(12)]~~ (8) may include discontinuing or
606 reducing funding.

607 (c) (i) The board shall adopt benchmarks for success on the performance outcome
608 measures for a grant recipient under this section.

609 (ii) If a grant recipient fails to meet the board's benchmarks for success on the
610 performance outcome measures, the grant recipient may not receive additional funding under
611 this section.

612 ~~[(13)]~~ (9) Subject to legislative appropriations, the board ~~[and the department]~~ shall
613 give first priority in awarding grants to a respondent that has previously received a grant under
614 this section if the respondent:

- 615 (a) makes the annual report described in Subsection ~~[(9)]~~ (7)(b);
- 616 (b) participates in the ~~[annual]~~ evaluation ~~[described in Section 53F-5-307]~~; and
- 617 (c) continues to offer a high quality school readiness program as determined during an
- 618 annual site visit by:

- 619 (i) the ~~[board]~~ State Board of Education, for an eligible LEA; or
- 620 (ii) the department, for an eligible private provider.

621 ~~[(14)]~~ (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

622 Act~~[(a)]~~, the board shall make rules to:

- 623 ~~[(i)]~~ (a) implement the tool ~~[described in Subsection (2)]~~; and
- 624 ~~[(ii)]~~ (b) administer the grant program ~~[for LEAs described in this section; and]~~.
- 625 ~~[(b) the department shall make rules to administer the grant program for eligible~~
- 626 ~~private providers described in this section.]~~

627 Section 8. Section **35A-15-303** is enacted to read:

628 **35A-15-303. Evaluation -- Tool -- Reporting.**

629 (1) The State Board of Education shall, in consultation with the board, conduct the

630 ongoing review and evaluation each school year of:

- 631 (a) a grant recipient under Section 35A-15-301; and
- 632 (b) a grant recipient under Section 35A-15-302.

633 (2) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the State

634 Board of Education may enter into a contract with an evaluator to assist with the evaluation

635 process.

636 (b) An evaluation described in Subsection (1) shall include:

- 637 (i) outcomes of onsite observations utilizing the tool developed under Subsection (4) at
- 638 a frequency and number of classrooms visits established by the board;
- 639 (ii) performance on the performance outcome measures; and
- 640 (iii) whether any of the programs improved kindergarten readiness through funding
- 641 provided under Section 35A-15-301 or 35A-15-302.

642 (3) The board shall determine whether there is a correlation between the tool and the

643 performance outcome measure.

644 (4) The board, in coordination with the department and the State Board of Education:

- 645 (a) shall:

646 (i) develop a tool to determine whether a school readiness program is a high quality
647 school readiness program; and

648 (ii) establish how the board will apply the tool to make a determination described in
649 Subsection (4)(a); and

650 (b) may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
651 Rulemaking Act, for purposes of this Subsection (4).

652 (5) (a) The State Board of Education shall annually submit a report to the Education
653 Interim Committee.

654 (b) The report described in Subsection (5)(a) shall include a summary of an evaluation
655 and the efficacy of:

656 (i) the grant program described in Section 35A-15-301; and

657 (ii) the grant program described in Section 35A-15-302, including whether any
658 recipients failed to meet benchmarks for success on performance outcome measures as
659 described in Subsection 35A-15-302(8)(c).

660 (6) The board shall report to the Education Interim Committee by November 30, 2020,
661 on benchmarks adopted by the board under Section 35A-15-302.

662 Section 9. Section 35A-15-401, which is renumbered from Section 53F-6-306 is
663 renumbered and amended to read:

664 **Part 4. Results-based Contract Funded Programs**

665 ~~[53F-6-306].~~ **35A-15-401. Requirements for a school readiness program to**
666 **receive funding through a results-based contract.**

667 (1) As used in this section:

668 (a) "Participating program operator" means an eligible LEA, an eligible private
669 provider, or an eligible home-based educational technology provider, that is a party to a
670 results-based contract.

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

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

677 (b) An eligible LEA, an eligible private provider, or an eligible home-based
 678 educational technology provider may not enter into a results-based contract while receiving a
 679 grant under [~~Section 53F-6-305~~] Part 3, Grants for High Quality School Readiness Programs.

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

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

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

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

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

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

697 [~~(6) A participating program operator shall:~~]

698 [~~(a) select an evaluator to annually evaluate:~~]

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

701 [~~(ii) performance on the performance outcome measure as described in Section
 702 53F-6-309; and]~~

703 [~~(iii) for a participating program operator that is a home-based educational technology
 704 provider, whether the home-based educational technology is being used with fidelity; and]~~

705 [~~(b) allow classroom visits to ensure the program meets the requirements described in
 706 this part by:~~]

707 [~~(i) the evaluator;~~]

708 ~~[(ii) the program intermediary;]~~

709 ~~[(iii) the investor, if applicable;]~~

710 ~~[(iv) the State Board of Education; and]~~

711 ~~[(v) the Department of Workforce Services.]~~

712 ~~[(7)]~~ (6) (a) A participating program operator that is an eligible LEA may contract with
713 an eligible private provider to provide a high quality school readiness program to a portion of
714 the eligible LEA's eligible students if:

715 (i) the results-based contract specifies the number of students to be served by the
716 eligible private provider; and

717 (ii) the eligible private provider meets the requirements described in this section for a
718 participating program operator~~;~~].

719 ~~[(iii) the eligible private provider reports the information described in Section~~
720 ~~53F-6-310 to the board and the contracting eligible LEA; and]~~

721 ~~[(iv) the contractual partnership is consistent with Utah Constitution, Article X,~~
722 ~~Section 1.]~~

723 (b) An eligible LEA that contracts with an eligible private provider shall provide
724 supportive services to the eligible private provider, which may include:

725 (i) professional development;

726 (ii) staffing or staff support;

727 (iii) materials; or

728 (iv) assessments.

729 Section 10. Section **35A-15-402**, which is renumbered from Section 53F-6-309 is
730 renumbered and amended to read:

731 ~~[53F-6-309].~~ **35A-15-402. Results-based contracts -- Assessment.**

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

735 (2) (a) ~~[Except as provided in Subsection (3), the]~~ The board shall include an investor
736 as a party to a results-based contract.

737 (b) The board may provide for a repayment to an investor to include a return of
738 investment and an additional return on investment, dependent on achievement of the

739 performance outcome measures set in the results-based contract.

740 (c) The additional return on investment described in Subsection (2)(b) may not exceed
741 5% above the current Municipal Market Data General Obligation Bond AAA scale for a 10
742 year maturity at the time of the issuance of the results-based contract.

743 (d) Funding obtained for an early education program through a results-based contract
744 that includes an investor is not a procurement item under Section [63G-6a-103](#).

745 (e) A results-based contract that includes an investor shall include:

746 (i) a requirement that the repayment to the investor be conditioned on achieving the
747 performance outcome measures set in the results-based contract;

748 (ii) a requirement for an independent evaluator to determine whether the performance
749 outcome measures have been achieved;

750 (iii) a provision that repayment to the investor is:

751 (A) based upon available money in the School Readiness Restricted Account described
752 in Section [\[35A-3-210\]](#) [35A-15-203](#); and

753 (B) subject to legislative appropriations; and

754 (iv) a provision that the investor is not eligible to receive or view personally
755 identifiable student data of students funded through the results-based contract.

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

759 [~~(3) (a) The board may enter into a results-based contract to directly fund a high quality~~
760 ~~school readiness program that has at least four years of data for at least one cohort of students~~
761 ~~showing that the high quality school readiness program has met a performance outcome~~
762 ~~measure.~~]

763 [~~(b) A results-based contract described in Subsection (3)(a):~~]

764 [~~(i) does not require an investor; and~~]

765 [~~(ii) shall include a provision that:~~]

766 [~~(A) requires that in order to continue receiving funding, the high quality school~~
767 ~~readiness program continue to meet a performance outcome measure; and~~]

768 [~~(B) provides an improvement time frame during which the high quality school~~
769 ~~readiness program may continue to receive funding if the high quality school readiness~~

770 program fails to continue to meet the performance outcome measure.]

771 [~~(4) The board shall select a uniform assessment of age-appropriate cognitive or~~
772 ~~language skills that:]~~

773 [~~(a) is nationally norm-referenced;]~~

774 [~~(b) has established reliability;]~~

775 [~~(c) has established validity with other similar measures and with later school~~
776 ~~outcomes; and]~~

777 [~~(d) has strong psychometric characteristics:]~~

778 (3) The board shall require an independent evaluation to determine if a school
779 readiness program meets the performance outcome measures included in a results-based
780 contract.

781 [~~(5)(a) In~~] (4) If the board enters into a results-based contract, in accordance with
782 Title 63G, Chapter 6a, Utah Procurement Code, the board shall select [at least three
783 independent evaluators with experience in:] an independent evaluator with experience in
784 evaluating school readiness programs.

785 [~~(i) evaluating school readiness programs; and]~~

786 [~~(ii) administering the assessment selected under Subsection (4).]~~

787 [~~(b) An eligible LEA, eligible private provider, or eligible home-based educational~~
788 ~~technology provider that has a results-based contract shall select one of the evaluators~~
789 ~~described in Subsection (5)(a) to conduct an evaluation described in Section 53F-6-306.]~~

790 [~~(c) The board shall select one of the evaluators described in Subsection (5)(a) to~~
791 ~~conduct an evaluation described in Section 53F-6-305:]~~

792 [(6)] (5) (a) At the end of each year of a results-based contract after a student funded
793 through a results-based contract completes kindergarten, the independent evaluator [~~described~~
794 ~~in Subsection (5)(b)] shall determine whether the performance outcome measures set in the
795 results-based contract have been met.~~

796 (b) The board may not pay an investor unless the evaluation described in Subsection
797 [(6)] (5)(a) determines that the performance outcome measures in the results-based contract
798 have been met.

799 [(7)] (6) (a) The board shall ensure that a parent or guardian of an eligible student
800 participating in a program funded through a results-based contract has given permission and

801 signed an acknowledgment that the student's data may be shared [~~with an independent~~
802 ~~evaluator~~] for research and evaluation purposes, subject to federal law.

803 (b) The board shall maintain documentation of parental permission required in
804 Subsection [~~(7)~~] (6)(a).

805 Section 11. Section **53E-4-308** is amended to read:

806 **53E-4-308. Unique student identifier -- Coordination of higher education and**
807 **public education information technology systems -- Coordination of preschool and public**
808 **education information technology systems.**

809 (1) As used in this section, "unique student identifier" means an alphanumeric code
810 assigned to each public education student for identification purposes, which:

811 (a) is not assigned to any former or current student; and

812 (b) does not incorporate personal information, including a birth date or Social Security
813 number.

814 (2) The state board, through the state superintendent of public instruction, shall assign
815 each public education student a unique student identifier, which shall be used to track
816 individual student performance on achievement tests administered under this part.

817 (3) The state board and the State Board of Regents shall coordinate public education
818 and higher education information technology systems to allow individual student academic
819 achievement to be tracked through both education systems in accordance with this section and
820 Section 53B-1-109.

821 (4) The board and the State Board of Regents shall coordinate access to the unique
822 student identifier of a public education student who later attends an institution within the state
823 system of higher education.

824 (5) (a) The state board and the Department of Workforce Services shall coordinate
825 assignment of a unique student identifier to each student enrolled in a program described in
826 Title 35A, Chapter 15, Preschool Programs.

827 (b) A unique student identifier assigned to a student under Subsection (5)(a) shall
828 remain the student's unique student identifier used by the state board when the student enrolls
829 in a public school in kindergarten or a later grade.

830 (c) The state board, the Department of Workforce Services, and a contractor as defined
831 in Section 53F-4-401, shall coordinate access to the unique student identifier of a preschool

832 student who later attends an LEA.

833 Section 12. Section **53E-4-314** is amended to read:

834 **53E-4-314. School readiness assessment.**

835 (1) As used in this section:

836 (a) "School readiness assessment" [~~means the preschool entry assessment described in~~
837 ~~this section~~] means a preschool entry and exit profile that measures literacy, numeracy, and
838 lifelong learning practices developed in a student.

839 (b) "School readiness program" means a preschool program:

840 (i) in which a student participates in the year before the student is expected to enroll in
841 kindergarten; and

842 (ii) that receives funding under[:] Title 35A, Chapter 15, Preschool Programs.

843 [~~(A) Title 53F, Chapter 5, Part 3, High Quality School Readiness Program, or]~~

844 [~~(B) Title 53F, Chapter 6, Part 3, School Readiness Initiative.~~]

845 (2) The [~~State Board of Education~~] state board shall develop a school readiness
846 assessment that aligns with the kindergarten entry and exit assessment described in Section
847 53F-4-205.

848 (3) A school readiness program shall:

849 (a) except as provided in Subsection (4), administer to each student who participates in
850 the school readiness program[:~~(i)~~] the school readiness assessment at the beginning and end of
851 the student's participation in the school readiness program; and

852 [~~(ii) the kindergarten entry assessment described in Section 53F-4-205 at the end of the~~
853 ~~student's participation in the school readiness program; and]~~

854 (b) report the results of the assessments described in Subsection (3)(a) or (4) to[:] the
855 School Readiness Board created in Section 35A-15-201.

856 [~~(i) the State Board of Education; and]~~

857 [~~(ii) the Department of Workforce Services.~~]

858 (4) In place of the assessments described in Subsection (3)(a), a school readiness
859 program that is offered through home-based technology may administer to each student who
860 participates in the school readiness program:

861 (a) a validated computer adaptive pre-assessment at the beginning of the student's
862 participation in the school readiness program; and

863 (b) a validated computer adaptive post-assessment at the end of the student's
864 participation in the school readiness program.

865 Section 13. Section **53E-9-301** is amended to read:

866 **53E-9-301. Definitions.**

867 As used in this part:

868 (1) "Adult student" means a student who:

869 (a) is at least 18 years old;

870 (b) is an emancipated student; or

871 (c) qualifies under the McKinney-Vento Homeless Education Assistance

872 Improvements Act of 2001, 42 U.S.C. Sec. 11431 et seq.

873 (2) "Aggregate data" means data that:

874 (a) are totaled and reported at the group, cohort, school, school district, region, or state

875 level with at least 10 individuals in the level;

876 (b) do not reveal personally identifiable student data; and

877 (c) are collected in accordance with board rule.

878 (3) (a) "Biometric identifier" means a:

879 (i) retina or iris scan;

880 (ii) fingerprint;

881 (iii) human biological sample used for valid scientific testing or screening; or

882 (iv) scan of hand or face geometry.

883 (b) "Biometric identifier" does not include:

884 (i) a writing sample;

885 (ii) a written signature;

886 (iii) a voiceprint;

887 (iv) a photograph;

888 (v) demographic data; or

889 (vi) a physical description, such as height, weight, hair color, or eye color.

890 (4) "Biometric information" means information, regardless of how the information is

891 collected, converted, stored, or shared:

892 (a) based on an individual's biometric identifier; and

893 (b) used to identify the individual.

- 894 (5) "Board" means the State Board of Education.
- 895 (6) "Data breach" means an unauthorized release of or unauthorized access to
896 personally identifiable student data that is maintained by an education entity.
- 897 (7) "Data governance plan" means an education entity's comprehensive plan for
898 managing education data that:
- 899 (a) incorporates reasonable data industry best practices to maintain and protect student
900 data and other education-related data;
- 901 (b) describes the role, responsibility, and authority of an education entity data
902 governance staff member;
- 903 (c) provides for necessary technical assistance, training, support, and auditing;
- 904 (d) describes the process for sharing student data between an education entity and
905 another person;
- 906 (e) describes the education entity's data expungement process, including how to
907 respond to requests for expungement;
- 908 (f) describes the data breach response process; and
- 909 (g) is published annually and available on the education entity's website.
- 910 (8) "Education entity" means:
- 911 (a) the board;
- 912 (b) a local school board;
- 913 (c) a charter school governing board;
- 914 (d) a school district;
- 915 (e) a charter school; or
- 916 (f) the Utah Schools for the Deaf and the Blind[~~; or~~].
- 917 [~~(g) for purposes of implementing the School Readiness Initiative described in Title~~
918 ~~53F, Chapter 6, Part 3, School Readiness Initiative, the School Readiness Board created in~~
919 ~~Section 35A-3-209.~~]
- 920 (9) "Expunge" means to seal or permanently delete data, as described in board rule
921 made under Section 53E-9-306.
- 922 (10) "General audience application" means an Internet website, online service, online
923 application, mobile application, or software program that:
- 924 (a) is not specifically intended for use by an audience member that attends kindergarten

925 or a grade from 1 to 12, although an audience member may attend kindergarten or a grade from
926 1 to 12; and

927 (b) is not subject to a contract between an education entity and a third-party contractor.

928 (11) "Higher education outreach student data" means the following student data for a
929 student:

930 (a) name;

931 (b) parent name;

932 (c) grade;

933 (d) school and school district; and

934 (e) contact information, including:

935 (i) primary phone number;

936 (ii) email address; and

937 (iii) physical address.

938 (12) "Individualized education program" or "IEP" means a written statement:

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

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

942 (13) "Local education agency" or "LEA" means:

943 (a) a school district;

944 (b) a charter school; or

945 (c) the Utah Schools for the Deaf and the Blind[~~;~~ or].

946 [~~(d) for purposes of implementing the School Readiness Initiative described in Title~~
947 ~~53F, Chapter 6, Part 3, School Readiness Initiative, the School Readiness Board created in~~
948 ~~Section 35A-3-209.~~]

949 (14) "Metadata dictionary" means a record that:

950 (a) defines and discloses all personally identifiable student data collected and shared by
951 the education entity;

952 (b) comprehensively lists all recipients with whom the education entity has shared
953 personally identifiable student data, including:

954 (i) the purpose for sharing the data with the recipient;

955 (ii) the justification for sharing the data, including whether sharing the data was

956 required by federal law, state law, or a local directive; and

957 (iii) how sharing the data is permitted under federal or state law; and

958 (c) without disclosing personally identifiable student data, is displayed on the
959 education entity's website.

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

962 (a) name;

963 (b) date of birth;

964 (c) sex;

965 (d) parent contact information;

966 (e) custodial parent information;

967 (f) contact information;

968 (g) a student identification number;

969 (h) local, state, and national assessment results or an exception from taking a local,
970 state, or national assessment;

971 (i) courses taken and completed, credits earned, and other transcript information;

972 (j) course grades and grade point average;

973 (k) grade level and expected graduation date or graduation cohort;

974 (l) degree, diploma, credential attainment, and other school exit information;

975 (m) attendance and mobility;

976 (n) drop-out data;

977 (o) immunization record or an exception from an immunization record;

978 (p) race;

979 (q) ethnicity;

980 (r) tribal affiliation;

981 (s) remediation efforts;

982 (t) an exception from a vision screening required under Section 53G-9-404 or
983 information collected from a vision screening required under Section 53G-9-404;

984 (u) information related to the Utah Registry of Autism and Developmental Disabilities,
985 described in Section 26-7-4;

986 (v) student injury information;

- 987 (w) a disciplinary record created and maintained as described in Section [53E-9-306](#);
- 988 (x) juvenile delinquency records;
- 989 (y) English language learner status; and
- 990 (z) child find and special education evaluation data related to initiation of an IEP.
- 991 (16) (a) "Optional student data" means student data that is not:
- 992 (i) necessary student data; or
- 993 (ii) student data that an education entity may not collect under Section [53E-9-305](#).
- 994 (b) "Optional student data" includes:
- 995 (i) information that is:
- 996 (A) related to an IEP or needed to provide special needs services; and
- 997 (B) not necessary student data;
- 998 (ii) biometric information; and
- 999 (iii) information that is not necessary student data and that is required for a student to
- 1000 participate in a federal or other program.
- 1001 (17) "Parent" means:
- 1002 (a) a student's parent;
- 1003 (b) a student's legal guardian; or
- 1004 (c) an individual who has written authorization from a student's parent or legal
- 1005 guardian to act as a parent or legal guardian on behalf of the student.
- 1006 (18) (a) "Personally identifiable student data" means student data that identifies or is
- 1007 used by the holder to identify a student.
- 1008 (b) "Personally identifiable student data" includes:
- 1009 (i) a student's first and last name;
- 1010 (ii) the first and last name of a student's family member;
- 1011 (iii) a student's or a student's family's home or physical address;
- 1012 (iv) a student's email address or other online contact information;
- 1013 (v) a student's telephone number;
- 1014 (vi) a student's social security number;
- 1015 (vii) a student's biometric identifier;
- 1016 (viii) a student's health or disability data;
- 1017 (ix) a student's education entity student identification number;

- 1018 (x) a student's social media user name and password or alias;
- 1019 (xi) if associated with personally identifiable student data, the student's persistent
- 1020 identifier, including:
- 1021 (A) a customer number held in a cookie; or
- 1022 (B) a processor serial number;
- 1023 (xii) a combination of a student's last name or photograph with other information that
- 1024 together permits a person to contact the student online;
- 1025 (xiii) information about a student or a student's family that a person collects online and
- 1026 combines with other personally identifiable student data to identify the student; and
- 1027 (xiv) information that, alone or in combination, is linked or linkable to a specific
- 1028 student that would allow a reasonable person in the school community, who does not have
- 1029 personal knowledge of the relevant circumstances, to identify the student with reasonable
- 1030 certainty.
- 1031 (19) "School official" means an employee or agent of an education entity, if the
- 1032 education entity has authorized the employee or agent to request or receive student data on
- 1033 behalf of the education entity.
- 1034 (20) (a) "Student data" means information about a student at the individual student
- 1035 level.
- 1036 (b) "Student data" does not include aggregate or de-identified data.
- 1037 (21) "Student data manager" means:
- 1038 (a) the state student data officer; or
- 1039 (b) an individual designated as a student data manager by an education entity under
- 1040 Section [53E-9-303](#), who fulfills the duties described in Section [53E-9-308](#).
- 1041 (22) (a) "Targeted advertising" means presenting advertisements to a student where the
- 1042 advertisement is selected based on information obtained or inferred over time from that
- 1043 student's online behavior, usage of applications, or student data.
- 1044 (b) "Targeted advertising" does not include advertising to a student:
- 1045 (i) at an online location based upon that student's current visit to that location; or
- 1046 (ii) in response to that student's request for information or feedback, without retention
- 1047 of that student's online activities or requests over time for the purpose of targeting subsequent
- 1048 ads.

1049 (23) "Third-party contractor" means a person who:

1050 (a) is not an education entity; and

1051 (b) pursuant to a contract with an education entity, collects or receives student data in
1052 order to provide a product or service, as described in the contract, if the product or service is
1053 not related to school photography, yearbooks, graduation announcements, or a similar product
1054 or service.

1055 (24) "Written consent" means written authorization to collect or share a student's
1056 student data, from:

1057 (a) the student's parent, if the student is not an adult student; or

1058 (b) the student, if the student is an adult student.

1059 Section 14. Section **53F-4-401** is amended to read:

1060 **53F-4-401. Definitions.**

1061 As used in this part:

1062 (1) "Contractor" means the educational technology provider selected by the [~~State~~
1063 ~~Board of Education~~] state board under Section [53F-4-402](#).

1064 [~~(2) "Low income" means an income below 185% of the federal poverty guideline.~~]

1065 (2) "Intergenerational poverty" means the same as that term is defined in Section
1066 [35A-9-102](#).

1067 (3) "Preschool [~~children~~] child" means [~~children who are~~] a child who is:

1068 (a) age four or five; and

1069 (b) [~~have not entered kindergarten.~~] not eligible for enrollment under Subsection
1070 [53G-4-402\(6\)](#).

1071 (4) (a) "Private preschool provider" means a child care program that:

1072 (i) (A) is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or

1073 (B) except as provided in Subsection (4)(b)(ii), is exempt from licensure under Section
1074 [26-39-403](#); and

1075 (ii) meets other criteria as established by the state board, consistent with Utah
1076 Constitution, Article X, Section 1.

1077 (b) "Private preschool provider" does not include:

1078 (i) a residential certificate provider described in Section [26-39-402](#); or

1079 (ii) a program exempt from licensure under Subsection [26-39-403\(2\)\(c\)](#).

1080 (5) "Public preschool" means a preschool program that is provided by a school district
1081 or charter school.

1082 (6) "Qualifying participant" means a preschool child who:

1083 (a) resides within the boundaries of a qualifying school as determined under Section
1084 53G-6-302; or

1085 (b) is enrolled in a qualifying preschool.

1086 (7) "Qualifying preschool" means a public preschool or private preschool provider that:

1087 (a) serves preschool children covered by child care subsidies funded by the Child Care
1088 and Development Block Grant Program authorized under 42 U.S.C. Secs. 9857-9858r;

1089 (b) participates in a federally assisted meal program that provides funds to licensed
1090 child care centers as authorized under Section 53E-3-501; or

1091 (c) is located within the boundaries of a qualifying school.

1092 (8) "Qualifying school" means a school district elementary school that:

1093 (a) has at least 50% of students who were eligible to receive free or reduced lunch the
1094 previous school year;

1095 (b) is a school with a high percentage, as determined by the Department of Workforce
1096 Services through rule and based on the previous school year enrollments, of students
1097 experiencing intergenerational poverty; or

1098 (c) is located in one of the following school districts:

1099 (i) Beaver School District;

1100 (ii) Carbon School District;

1101 (iii) Daggett School District;

1102 (iv) Duchesne School District;

1103 (v) Emery School District;

1104 (vi) Garfield School District;

1105 (vii) Grand School District;

1106 (viii) Iron School District;

1107 (ix) Juab School District;

1108 (x) Kane School District;

1109 (xi) Millard School District;

1110 (xii) Morgan School District;

- 1111 (xiii) North Sanpete School District;
- 1112 (xiv) North Summit School District;
- 1113 (xv) Piute School District;
- 1114 (xvi) Rich School District;
- 1115 (xvii) San Juan School District;
- 1116 (xviii) Sevier School District;
- 1117 (xix) South Sanpete School District;
- 1118 (xx) South Summit School District;
- 1119 (xxi) Tintic School District;
- 1120 (xxii) Uintah School District; or
- 1121 (xxiii) Wayne School District.

1122 ~~[(4)]~~ (9) "UPSTART" means the project established by Section 53F-4-402 that uses a
 1123 home-based educational technology program to develop school readiness skills of preschool
 1124 children.

1125 Section 15. Section 53F-4-402 is amended to read:

1126 **53F-4-402. UPSTART program to develop school readiness skills of preschool**
 1127 **children.**

1128 (1) UPSTART, a project that uses a home-based educational technology program to
 1129 develop school readiness skills of preschool children, is established within the public education
 1130 system.

1131 (2) UPSTART is created to:

1132 (a) evaluate the effectiveness of giving preschool children access, at home, to
 1133 interactive individualized instruction delivered by computers and the Internet to prepare them
 1134 academically for success in school; and

1135 (b) test the feasibility of scaling a home-based curriculum in reading, math, and science
 1136 delivered by computers and the Internet to all preschool children in Utah.

1137 (3) (a) The ~~[State Board of Education]~~ state board shall contract with an educational
 1138 technology provider, selected through a request for proposals process, for the delivery of a
 1139 home-based educational technology program for preschool children that meets the
 1140 requirements of Subsection (4).

1141 ~~[(b) (i) The State Board of Education may, on or before July 1, 2019, issue a request~~

1142 ~~for proposals for two-year pilot proposals from, and enter into a contract with, one or more~~
1143 ~~educational technology providers that do not have an existing contract under this part with the~~
1144 ~~state for the delivery of a home-based educational technology program for preschool children~~
1145 ~~that meets the requirements of Subsection (4).]~~

1146 ~~[(ii) If the State Board of Education enters into a contract for a two-year pilot as~~
1147 ~~described in Subsection (3)(b)(i), the State Board of Education may enter into a contract with~~
1148 ~~one or more educational technology providers that have participated in a Utah pilot.]~~

1149 ~~[(c)]~~ (b) Every five years ~~[after July 1, 2021, the State Board of Education],~~ the state
1150 board may issue a new request for proposals described in this section.

1151 (4) A home-based educational technology program for preschool children shall meet
1152 the following standards:

1153 (a) the contractor shall provide computer-assisted instruction for preschool children on
1154 a home computer connected by the Internet to a centralized file storage facility;

1155 (b) the contractor shall:

1156 (i) provide technical support to families for the installation and operation of the
1157 instructional software; and

1158 (ii) provide for the installation of computer and Internet access in homes of ~~[low~~
1159 ~~income families that cannot afford the equipment and service]~~ qualifying participants described
1160 in Subsection 53-4-404(3)(d);

1161 (c) the contractor shall have the capability of doing the following through the Internet:

1162 (i) communicating with parents;

1163 (ii) updating the instructional software;

1164 (iii) validating user access;

1165 (iv) collecting usage data;

1166 (v) storing research data; and

1167 (vi) producing reports for parents, schools, and the Legislature;

1168 (d) the program shall include the following components:

1169 (i) computer-assisted, individualized instruction in reading, mathematics, and science;

1170 (ii) a multisensory reading tutoring program; and

1171 (iii) a validated computer adaptive reading test that does not require the presence of
1172 trained adults to administer and is an accurate indicator of reading readiness of children who

1173 cannot read;

1174 (e) the contractor shall have the capability to quickly and efficiently modify, improve,
1175 and support the product;

1176 (f) the contractor shall work in cooperation with ~~[school district]~~ public preschool or
1177 private preschool provider personnel who will provide administrative and technical support of
1178 the program as provided in Section 53F-4-403;

1179 (g) the contractor shall solicit families to participate in the program as provided in
1180 Section 53F-4-404; and

1181 (h) in implementing the home-based educational technology program, the contractor
1182 shall seek the ~~[advise]~~ advice and expertise of early childhood education professionals within
1183 the Utah System of Higher Education on issues such as:

1184 (i) soliciting families to participate in the program;

1185 (ii) providing training to families; and

1186 (iii) motivating families to regularly use the instructional software.

1187 (5) ~~[(a)]~~ The contract shall provide funding for a home-based educational technology
1188 program for preschool children, subject to the appropriation of money by the Legislature for
1189 UPSTART.

1190 ~~[(b) An appropriation for a request for proposals described in Subsection (3)(b)(i) shall~~
1191 ~~be separate from an appropriation described in Subsection (5)(a).]~~

1192 (6) The ~~[State Board of Education]~~ state board shall evaluate a proposal based on:

1193 (a) whether the home-based educational technology program meets the standards
1194 specified in Subsection (4);

1195 (b) the results of an independent evaluation of the home-based educational technology
1196 program;

1197 (c) the experience of the home-based educational technology program provider; and

1198 (d) the per pupil cost of the home-based educational technology program.

1199 Section 16. Section 53F-4-403 is amended to read:

1200 **53F-4-403. School district participation in UPSTART.**

1201 (1) A school district may participate in UPSTART if the local school board agrees, or a
1202 private preschool provider may participate in UPSTART if the private preschool provider
1203 agrees, to work in cooperation with the contractor to provide administrative and technical

1204 support for UPSTART.

1205 ~~[(2) Family participants in UPSTART shall be solicited from school districts that~~
1206 ~~participate in UPSTART.]~~

1207 ~~[(3) A school district that participates in UPSTART shall:]~~

1208 ~~[(a) receive funding for:]~~

1209 ~~[(i) paraprofessional and technical support staff; and]~~

1210 ~~[(ii) travel, materials, and meeting costs of the program;]~~

1211 ~~[(b) participate in program training by the contractor; and]~~

1212 ~~[(c) agree to adopt standardized policies and procedures in implementing UPSTART.]~~

1213 (2) A contractor may require a local school board or private preschool provider
1214 participating in UPSTART to enter into an agreement with the contractor to:

1215 (a) dictate targets for program usage and terms for failure to meet those targets;

1216 (b) determine data sharing terms; and

1217 (c) agree to other reasonable terms required for successful implementation.

1218 Section 17. Section **53F-4-404** is amended to read:

1219 **53F-4-404. Family participation in UPSTART -- Priority enrollment.**

1220 (1) The contractor shall:

1221 (a) solicit families to participate in UPSTART through a public information campaign
1222 and referrals from participating school districts; and

1223 (b) work with the Department of Workforce Services and the ~~[State Board of~~
1224 ~~Education]~~ state board to solicit participation from families of ~~[children experiencing~~
1225 ~~intergenerational poverty, as defined in Section 35A-9-102;]~~ qualifying participants to
1226 participate in UPSTART.

1227 (2) ~~[(a)]~~ Preschool children who participate in UPSTART shall:

1228 ~~[(i)]~~ (a) be from families with diverse socioeconomic and ethnic backgrounds;

1229 ~~[(ii)]~~ (b) reside in different regions of the state in both urban and rural areas; and

1230 ~~[(iii)]~~ (c) be given preference to participate if the preschool ~~[child's family resides in a~~
1231 ~~rural area with limited prekindergarten services]~~ children are qualifying participants.

1232 ~~[(b) (i) If the number of families who would like to participate in UPSTART exceeds~~
1233 ~~the number of participants funded by the legislative appropriation, the contractor shall give~~
1234 ~~priority to preschool children from low income families and preschool children who are~~

1235 English language learners.]

1236 ~~[(ii) At least 30% of the preschool children who participate in UPSTART shall be from~~
1237 ~~low income families.]~~

1238 ~~[(3) A low income family that cannot afford a computer and Internet service to operate~~
1239 ~~the instructional software]~~

1240 (3) (a) In a contract entered into with an educational technology provider as described
1241 in Section 53F-4-402, the state board shall require the provider to prioritize enrollment of
1242 qualified participants based on a first come, first served basis.

1243 (b) The state board shall provide a list of qualifying schools and qualifying preschools
1244 and other applicable information to the contractor for verification of qualifying participants.

1245 (c) The contractor shall annually provide participant information to the state board as
1246 part of the verification process.

1247 (d) A qualifying participant may obtain a computer and peripheral equipment on loan
1248 and receive free Internet service for the duration of the [family's] qualified participant's
1249 participation in UPSTART[-] if the qualifying participant:

1250 (i) is eligible to receive free or reduced lunch; and

1251 (ii) the qualifying participant participates in UPSTART at home.

1252 (4) (a) The contractor shall make the home-based educational technology program
1253 available to families at a cost agreed upon by the [State Board of Education] state board and the
1254 contractor if the number of families who would like to participate in UPSTART exceeds the
1255 number of participants funded by the legislative appropriation.

1256 (b) The [State Board of Education] state board and the contractor shall annually post on
1257 their websites information on purchasing a home-based educational technology program as
1258 provided in Subsection (4)(a).

1259 ~~[(5)(a) The contractor shall:]~~

1260 ~~[(i) determine if a family is a low income family for purposes of this part; and]~~

1261 ~~[(ii) use the same application form as described in Section 35A-9-401 or create an~~
1262 ~~application form that requires an individual to provide and certify the information necessary for~~
1263 ~~the contractor to make the determination described in Subsection (5)(a)(i).]~~

1264 ~~[(b) The contractor may:]~~

1265 ~~[(i) require an individual to submit supporting documentation; and]~~

1266 [~~(ii) create a deadline for an individual to submit an application, if necessary.~~]
1267 (c) A preschool child may only participate in UPSTART through legislative funding
1268 once.

1269 Section 18. Section **53F-4-406** is amended to read:

1270 **53F-4-406. Audit and evaluation.**

1271 (1) The state auditor shall every three years:

1272 (a) conduct an [~~annual~~] audit of the contractor's use of funds for UPSTART; or

1273 (b) contract with an independent certified public accountant to conduct an [~~annual~~]
1274 audit.

1275 (2) The [~~State Board of Education~~] state board shall:

1276 (a) require by contract that the contractor will open its books and records relating to its
1277 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;

1278 (b) reimburse the state auditor for the actual and necessary costs of the audit; and

1279 (c) contract with an independent, qualified evaluator, selected through a request for
1280 proposals process, to evaluate the home-based educational technology program for preschool
1281 children.

1282 (3) The evaluator described in Subsection (2)(c) shall use, among other indicators,
1283 assessment scores from an assessment described in Section [53F-4-205](#) to evaluate whether the
1284 contractor has effectively prepared preschool children for academic success as described in
1285 Section [53F-4-402](#).

1286 [~~(3)~~] (4) Of the money appropriated by the Legislature for UPSTART, excluding funds
1287 used to provide computers, peripheral equipment, and Internet service to families, no more than
1288 7.5% may be used for the evaluation and administration of the program.

1289 Section 19. Section **53F-4-407** is amended to read:

1290 **53F-4-407. Annual report.**

1291 (1) The [~~State Board of Education~~] state board shall make a report on UPSTART to the
1292 Education Interim Committee by November 30 each year.

1293 (2) The report shall:

1294 (a) address the extent to which UPSTART is accomplishing the purposes for which it
1295 was established as specified in Section [53F-4-402](#); and

1296 (b) include the following information:

- 1297 (i) the number of families:
- 1298 (A) volunteering to participate in the program;
- 1299 (B) selected to participate in the program;
- 1300 (C) requesting computers; and
- 1301 (D) furnished computers;
- 1302 (ii) the number of private preschool providers and public preschool providers
- 1303 participating in the program;
- 1304 ~~[(ii)]~~ (iii) the frequency of use of the instructional software;
- 1305 ~~[(iii)]~~ (iv) obstacles encountered with software usage, hardware, or providing technical
- 1306 assistance to families;
- 1307 ~~[(iv)]~~ (v) student performance on ~~[pre-kindergarten and post-kindergarten]~~ entry and
- 1308 exit kindergarten assessments conducted by school districts and charter schools for students
- 1309 who participated in the home-based educational technology program and those who did not
- 1310 participate in the program; and
- 1311 ~~[(v)]~~ (vi) as available, the evaluation of the program conducted pursuant to Section
- 1312 [53F-4-406](#).
- 1313 Section 20. Section **63J-1-602.1** is amended to read:
- 1314 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**
- 1315 Appropriations made from the following accounts or funds are nonlapsing:
- 1316 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
- 1317 and Leadership Restricted Account created in Section [4-42-102](#).
- 1318 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).
- 1319 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
- 1320 Section [9-18-102](#).
- 1321 (4) The National Professional Men's Soccer Team Support of Building Communities
- 1322 Restricted Account created in Section [9-19-102](#).
- 1323 (5) Funds collected for directing and administering the C-PACE district created in
- 1324 Section [11-42a-302](#).
- 1325 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
- 1326 Section [24-4-117](#).
- 1327 (7) Funds collected from the program fund for local health department expenses

- 1328 incurred in responding to a local health emergency under Section [26-1-38](#).
- 1329 (8) Funds collected from the emergency medical services grant program, as provided in
1330 Section [26-8a-207](#).
- 1331 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).
- 1332 (10) The Children with Cancer Support Restricted Account created in Section
1333 [26-21a-304](#).
- 1334 (11) State funds for matching federal funds in the Children's Health Insurance Program
1335 as provided in Section [26-40-108](#).
- 1336 (12) The Children with Heart Disease Support Restricted Account created in Section
1337 [26-58-102](#).
- 1338 (13) The Nurse Home Visiting Restricted Account created in Section [26-62-601](#).
- 1339 (14) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 1340 (15) The Criminal Background Check Restricted Account created in Section
1341 [31A-3-105](#).
- 1342 (16) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
1343 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 1344 (17) The Title Licensee Enforcement Restricted Account created in Section
1345 [31A-23a-415](#).
- 1346 (18) The Health Insurance Actuarial Review Restricted Account created in Section
1347 [31A-30-115](#).
- 1348 (19) The Insurance Fraud Investigation Restricted Account created in Section
1349 [31A-31-108](#).
- 1350 (20) The Underage Drinking Prevention Media and Education Campaign Restricted
1351 Account created in Section [32B-2-306](#).
- 1352 (21) The School Readiness Restricted Account created in Section [~~[35A-3-210](#)~~]
1353 [35A-15-203](#).
- 1354 (22) The Youth Development Organization Restricted Account created in Section
1355 [35A-8-1903](#).
- 1356 (23) The Youth Character Organization Restricted Account created in Section
1357 [35A-8-2003](#).
- 1358 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain

- 1359 products or services, as provided in Section [35A-13-202](#).
- 1360 (25) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 1361 (26) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
1362 the Motor Vehicle Division.
- 1363 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
1364 created by Section [41-3-110](#) to the State Tax Commission.
- 1365 (28) The Utah Law Enforcement Memorial Support Restricted Account created in
1366 Section [53-1-120](#).
- 1367 (29) The State Disaster Recovery Restricted Account to the Division of Emergency
1368 Management, as provided in Section [53-2a-603](#).
- 1369 (30) The Department of Public Safety Restricted Account to the Department of Public
1370 Safety, as provided in Section [53-3-106](#).
- 1371 (31) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
1372 [53-8-303](#).
- 1373 (32) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 1374 (33) The Canine Body Armor Restricted Account created in Section [53-16-201](#).
- 1375 (34) A certain portion of money collected for administrative costs under the School
1376 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 1377 (35) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
1378 subject to Subsection [54-5-1.5\(4\)\(d\)](#).
- 1379 (36) Certain fines collected by the Division of Occupational and Professional Licensing
1380 for violation of unlawful or unprofessional conduct that are used for education and enforcement
1381 purposes, as provided in Section [58-17b-505](#).
- 1382 (37) Certain fines collected by the Division of Occupational and Professional Licensing
1383 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
1384 Section [58-63-103](#).
- 1385 (38) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 1386 (39) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 1387 (40) Funds paid to the Division of Real Estate for the cost of a criminal background
1388 check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 1389 (41) Funds paid to the Division of Real Estate for the cost of a criminal background

1390 check for principal broker, associate broker, and sales agent licenses, as provided in Section
1391 [61-2f-204](#).

1392 (42) Certain funds donated to the Department of Human Services, as provided in
1393 Section [62A-1-111](#).

1394 (43) The National Professional Men's Basketball Team Support of Women and
1395 Children Issues Restricted Account created in Section [62A-1-202](#).

1396 (44) Certain funds donated to the Division of Child and Family Services, as provided
1397 in Section [62A-4a-110](#).

1398 (45) The Choose Life Adoption Support Restricted Account created in Section
1399 [62A-4a-608](#).

1400 (46) Funds collected by the Office of Administrative Rules for publishing, as provided
1401 in Section [63G-3-402](#).

1402 (47) The Immigration Act Restricted Account created in Section [63G-12-103](#).

1403 (48) Money received by the military installation development authority, as provided in
1404 Section [63H-1-504](#).

1405 (49) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).

1406 (50) The Unified Statewide 911 Emergency Service Account created in Section
1407 [63H-7a-304](#).

1408 (51) The Utah Statewide Radio System Restricted Account created in Section
1409 [63H-7a-403](#).

1410 (52) The Employability to Careers Program Restricted Account created in Section
1411 [63J-4-703](#).

1412 (53) The Motion Picture Incentive Account created in Section [63N-8-103](#).

1413 (54) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1414 as provided under Section [63N-10-301](#).

1415 (55) Funds collected by the housing of state probationary inmates or state parole
1416 inmates, as provided in Subsection [64-13e-104](#)(2).

1417 (56) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
1418 and State Lands, as provided in Section [65A-8-103](#).

1419 (57) Certain funds received by the Office of the State Engineer for well drilling fines or
1420 bonds, as provided in Section [73-3-25](#).

1421 (58) The Water Resources Conservation and Development Fund, as provided in
1422 Section 73-23-2.

1423 (59) Funds donated or paid to a juvenile court by private sources, as provided in
1424 Subsection 78A-6-203(1)(c).

1425 (60) Fees for certificate of admission created under Section 78A-9-102.

1426 (61) Funds collected for adoption document access as provided in Sections 78B-6-141,
1427 78B-6-144, and 78B-6-144.5.

1428 (62) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1429 Park, Jordan River State Park, and Green River State Park, as provided under Section
1430 79-4-403.

1431 (63) Certain funds received by the Division of Parks and Recreation from the sale or
1432 disposal of buffalo, as provided under Section 79-4-1001.

1433 (64) Funds collected for indigent defense as provided in Title 77, Chapter 32, Part 8,
1434 Utah Indigent Defense Commission.

1435 Section 21. **Repealer.**

1436 This bill repeals:

1437 Section 35A-9-401, **Eligibility determination -- Awarding of scholarship.**

1438 Section 53F-4-405, **Purchase of equipment and service through cooperative**
1439 **purchasing contracts.**

1440 Section 53F-5-301, **Definitions.**

1441 Section 53F-5-302, **Administration of programs.**

1442 Section 53F-5-304, **Home-based technology high quality school readiness program.**

1443 Section 53F-5-305, **Intergenerational Poverty School Readiness Scholarship**
1444 **Program.**

1445 Section 53F-5-306, **Early childhood teacher training.**

1446 Section 53F-5-307, **Evaluation -- Reporting requirements.**

1447 Section 53F-6-303, **School Readiness Restricted Account.**

1448 Section 53F-6-310, **Reporting requirements for a recipient of funding through a**
1449 **results-based contract -- Reporting to the Legislature.**

1450 Section 22. **Appropriation.**

1451 The following sums of money are appropriated for the fiscal year beginning July 1,

1452 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
1453 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
1454 Act, the Legislature appropriates the following sums of money from the funds or accounts
1455 indicated for the use and support of the government of the state of Utah.

1456 ITEM 1

1457 To Department of Workforce Services -- Operations and Policy

1458 From General Fund \$6,000,000

1459 Schedule of Programs:

1460 Workforce Development Division \$6,000,000

1461 The Legislature intends that the School Readiness Board use the ongoing appropriation
1462 for awarding grants and payment of results-based contracts for preschool programs in Title
1463 35A, Chapter 15, Preschool Programs.

1464 ITEM 2

1465 To State Board of Education -- General System Support

1466 From Education Fund \$500,000

1467 Schedule of Programs:

1468 Teaching and Learning \$500,000

1469 The Legislature intends that the State Board of Education use the ongoing appropriation
1470 for conducting the ongoing review and evaluation of a school readiness program in accordance
1471 with Section [35A-15-303](#).

1472 ITEM 3

1473 To State Board of Education -- Initiative Programs

1474 From Education Fund \$5,500,000

1475 Schedule of Programs:

1476 UPSTART \$5,500,000

1477 **Section 23. Coordinating S.B. 166 with S.B. 14 -- Substantive language.**

1478 If this S.B.166 and S.B. 14, Education Reporting Requirements, both pass and become
1479 law, it is the intent of the Legislature that the Office of Legislative Research and General
1480 Counsel prepare the Utah Code database for publication by:

1481 (1) replacing the language in Subsection [35A-15-303\(5\)\(a\)](#) with the following:

1482 "(5) (a) The State Board of Education shall annually prepare a report for the Education

1483 Interim Committee in accordance with Section 53E-1-201.";

1484 (2) (a) inserting the following language as a new Subsection 53E-1-201(1)(b):

1485 "(b) the report described in Section 35A-15-303 by the State Board of Education on
1486 preschool programs;"; and

1487 (b) renumbering remaining subsections accordingly; and

1488 (3) (a) inserting the following language as a new Subsection 53E-1-201(2)(a):

1489 "(a) the report described in Section 35A-15-303 by the School Readiness Board by
1490 November 30, 2020, on benchmarks for certain preschool programs;"; and

1491 (b) renumbering the remaining subsections accordingly.

1492 Section 24. **Coordinating S.B.166 with H.B. 27 -- Superseding technical and**
1493 **substantive amendments.**

1494 If this S.B.166 and H.B. 27, Public Education Definitions Amendments, both pass and
1495 become law, it is the intent of the Legislature when the Office of Legislative Research and
1496 General Counsel prepares the Utah Code database for publication that:

1497 (1) Section 35A-15-102 in this bill supersede Section 53F-6-301 in H.B. 27;

1498 (2) Section 35A-15-202 in this bill supersede Section 53F-6-304 in H.B. 27;

1499 (3) Section 35A-15-301 in this bill supersede Section 53F-6-305 in H.B. 27;

1500 (4) Section 35A-15-302 in this bill supersede Section 53F-5-303 in H.B. 27;

1501 (5) Section 35A-15-401 in this bill supersede Section 53F-6-306 in H.B. 27; and

1502 (6) Section 35A-15-402 in this bill supersede Section 53F-6-309 in H.B. 27.

1503 Section 25. **Coordinating S.B. 166 with H.B. 249 -- Superseding technical and**
1504 **substantive amendments.**

1505 If this S.B. 166 and H.B. 249, Revisor's Technical Corrections to Utah Code, both pass
1506 and become law, it is the intent of the Legislature when the Office of Legislative Research and
1507 General Counsel prepares the Utah Code database for publication that Section 35A-15-102 in
1508 this bill supersede Section 53F-6-301 in H.B. 249.

1509 Section 26. **Coordinating S.B. 166 with H.B. 387 -- Superseding technical and**
1510 **substantive amendment.**

1511 If this S.B. 166 and H.B. 387, Boards and Commissions Amendments, both pass and
1512 become law, it is the intent of the Legislature when the Office of Legislative Research and
1513 General Counsel prepares the Utah Code database for publication that Section 35A-15-201 in

1514 this bill supersede Section [35A-3-209](#) in H.B. 387.