

SB0166S03 compared with SB0166S02

~~text~~ shows text that was in SB0166S02 but was deleted in SB0166S03.

Inserted text shows text that was not in SB0166S02 but was inserted into SB0166S03.

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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;

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

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to Department of Workforce Services - Operations and Policy - Workforce Development Division, as an ongoing appropriation:

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- from the General Fund, \$6,000,000;
- ▶ to State Board of Education - General System Support - Teaching and Learning, as an ongoing appropriation:
 - from the Education Fund, \$500,000; and
- ▶ to the State Board of Education - Initiative Programs - UPSTART, as an ongoing appropriation:
 - from the Education Fund, \$5,500,000.

Other Special Clauses:

This bill provides coordination clauses.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

ENACTS:

35A-15-101, Utah Code Annotated 1953

35A-15-303, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

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

35A-15-201, (Renumbered from 35A-3-209, as renumbered and amended by Laws of

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Utah 2018, Chapter 389)

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

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

35A-15-301, (Renumbered from 53F-6-305, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and amended by Laws of Utah 2018, Chapter 2)

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

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

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

REPEALS:

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

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

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

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

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

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

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

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

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

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

Utah Code Sections Affected by Coordination Clause:

35A-15-102, Utah Code Annotated 1953

[35A-15-202](#), Utah Code Annotated 1953

[35A-15-301](#), Utah Code Annotated 1953

[35A-15-302](#), Utah Code Annotated 1953

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35A-15-303, Utah Code Annotated 1953

35A-15-401, Utah Code Annotated 1953

35A-15-402, Utah Code Annotated 1953

53E-1-201, as enacted by Laws of Utah 2018, Chapter 1

53F-5-303, as renumbered and amended by Laws of Utah 2018, Chapter 2

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

53F-6-304, as renumbered and amended by Laws of Utah 2018, Chapter 2

53F-6-305, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and amended by Laws of Utah 2018, Chapter 2

53F-6-306, as renumbered and amended by Laws of Utah 2018, Chapter 2 and repealed and reenacted by Laws of Utah 2018, Chapter 389

53F-6-309, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and amended by Laws of Utah 2018, Chapter 2

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

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

CHAPTER 15. PRESCHOOL PROGRAMS

Part 1. General Provisions

35A-15-101. Title.

This chapter is known as "Preschool Programs."

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

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

As used in this [part] chapter:

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

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

(3) "Eligible home-based educational technology provider" means a provider that ~~[intends to offer]~~ offers a home-based educational technology program to develop the school

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readiness skills of an eligible student.

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

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

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

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

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

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

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

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

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

(6) "Eligible student" means a student:

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

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

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

~~[(b)]~~ (B) whose parent or legal guardian reports that the student has experienced at least one risk factor~~[-];~~ or

(ii) is an English learner.

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

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

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

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

(9) "Investor" means a person that enters into a results-based contract to provide

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funding to a high quality school readiness program on the condition that the person will receive payment in accordance with Section ~~[53F-6-309]~~ 35A-15-402 if the high quality school readiness program meets the performance outcome measures included in the results-based contract.

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

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

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

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

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

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

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

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

(14) "Results-based contract" means a contract that:

(a) is entered into in accordance with Section ~~[53F-3-309]~~ 35A-15-402;

(b) includes a performance outcome measure; and

(c) is between~~[(i)]~~ the board, a provider of a high quality school readiness program, and an investor~~[-or]~~.

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

(15) "Risk factor" means:

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

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

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

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

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

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

Part 2. School Readiness Board and Account

~~[35A-3-209].~~ **35A-15-201. Establishment of the School Readiness Board -- Membership -- Funding prioritization.**

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

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

- (a) the executive director ~~[of the Department of Workforces Services]~~ or the executive director's designee;
- (b) one member appointed by the State Board of Education;
- (c) one member appointed by the chair of the State Charter School Board;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(a) require the program intermediary to:]~~

~~[(i) seek out participants for results-based contracts;]~~

~~[(ii) advise the board on results-based contracts; and]~~

~~[(iii) make recommendations directly to the board on:]~~

~~[(A) when to enter a results-based contract; and]~~

~~[(B) the terms of a results-based contract; and]~~

~~[(b) include a provision that the program intermediary is not eligible to receive or view personally identifiable student data of eligible students funded under the School Readiness Initiative described in this part and Title 53F, Chapter 6, Part 3, School Readiness Initiative.]~~

~~[(10) In allocating funding, the board shall:]~~

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~~[(a) give first priority to a results-based contract described in Subsection 53F-6-309(3) to fund a high quality school readiness program directly;]~~

~~[(b) give second priority to a results-based contract that includes an investor; and]~~

~~[(c) give third priority to a grant described in Section 53F-6-305.]~~

~~[(11) Other powers and duties of the board are described in Title 53F, Chapter 6, Part 3, School Readiness Initiative.]~~

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

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

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

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

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

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

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

(B) includes specific literary and numeracy skills, such as phonological awareness; and

(C) includes provider monitoring and ongoing professional learning and coaching;

~~[(i) oral language and listening comprehension;]~~

~~[(ii) phonological awareness and prereading;]~~

~~[(iii) alphabet and word knowledge;]~~

~~[(iv) prewriting;]~~

~~[(v) book knowledge and print awareness;]~~

~~[(vi) numeracy;]~~

~~[(vii) creative arts;]~~

~~[(viii) science and technology; and]~~

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~~[(ix) social studies, health, and safety;]~~

(b) ongoing, focused, and intensive professional development for staff of the school readiness program;

(c) ongoing assessment of a student's educational growth and developmental progress to inform instruction;

(d) ~~[a pre- and post-assessment of each student whose parent or legal guardian consents to the assessment that, for a school readiness program receiving funding under this part, is selected by the board in accordance with Section 53F-6-309]~~ administration of the school readiness assessment to each student;

(e) for a preschool program run by an eligible LEA, a class size that does not exceed 20 students, with one adult for every 10 students in the class;

(f) ongoing program evaluation and data collection to monitor program goal achievement and implementation of required program components;

(g) family engagement, including ongoing communication between home and school, and parent education opportunities based on each family's circumstances;

(h) for a preschool program run by an eligible LEA, each teacher having at least obtained:

(i) the minimum standard of a child development associate certification; or

(ii) an associate or bachelor's degree in an early childhood education related field; ~~[and]~~

(i) for a preschool program run by an eligible private provider, by a teacher's second year, each teacher having at least obtained:

(i) the minimum standard of a child development associate certification; or

(ii) an associate or bachelor's degree in an early childhood education related field~~[-:];~~

and

(j) a kindergarten transition plan.

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

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

(b) require regular parental engagement with the student in the student's use of the

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home-based educational technology program;

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

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

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

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

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

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

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

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

(a) money appropriated by the Legislature;

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

(c) federal grants; and

(d) private donations.

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

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

(b) to contract with an evaluator;

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

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

Section 6. Section **35A-15-301**, which is renumbered from Section 53F-6-305 is

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renumbered and amended to read:

Part 3. Grants for High Quality School Readiness Programs

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

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

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

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

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

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

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

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

~~[(4)]~~ (3) Subject to legislative appropriations, and the prioritization described in Section ~~[35A-3-209]~~ 35A-15-201, the board shall award grants to respondents based on:

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

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

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

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

~~[(i)]~~ (a) a respondent's capacity to effectively implement the components described in Section ~~[53F-6-304]~~ 35A-15-202;

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

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

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to effectively implement, monitor, and evaluate the program.

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

~~[(6)] (4) To receive a grant under this section, a respondent [that is an eligible LEA] shall submit a proposal to the [State Board of Education] board detailing:~~

~~(a) the respondent's strategy to implement the high quality components described in Section [53F-6-304] 35A-15-202;~~

~~(b) the number of students the respondent plans to serve, categorized by age and whether the students are eligible students;~~

~~(c) for an eligible LEA or eligible private provider, the number of high quality school readiness program classrooms the respondent plans to operate; and~~

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

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

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

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

~~[(c) for a respondent that is an eligible private provider, the number of high quality school readiness program classrooms the respondent plans to operate; and]~~

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

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

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

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

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

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

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

~~[(i) determine whether a grant recipient has effectively implemented the components~~

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~~described in Section 53F-6-304; and]~~

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

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

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

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

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

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

(b) attendance;

(c) cost per student; and

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

~~[(12)]~~ (8) A grant recipient that is an eligible private provider or an eligible home-based educational technology provider shall report annually to the board and the ~~[Department of Workforce Services]~~ department the following:

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

(b) attendance;

(c) cost per student; and

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

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

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

(b) establishing reporting requirements for grant recipients.

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

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

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

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

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

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

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

~~[(3)(a)]~~ (2) The board, in cooperation with the department and the State Board of Education, shall solicit proposals from eligible LEAs and eligible private providers to fund increases in the number of eligible students high quality school readiness programs can serve.

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

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

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

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

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

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- (A) the number of students served by the respondent's school readiness program;
 - (B) the respondent's policies and procedures for admitting students into the school readiness program;
 - (C) the estimated cost per student; and
 - (D) any fees the respondent charges to a parent or legal guardian for the school readiness program;
- (ii) the respondent's plan to use funding sources, in addition to a grant described in this section, including:
- (A) federal funding; or
 - (B) private grants or donations;
 - (iii) existing or planned partnerships between the respondent and an LEA, eligible private provider, or eligible home-based technology provider to increase access to high quality school readiness programs for eligible students;
 - (iv) how the respondent would use a grant to:
 - (A) expand the number of eligible students served by the respondent's school readiness program; and
 - (B) target the funding toward the highest risk students~~[-, including addressing the particular needs of children at risk of experiencing intergenerational poverty];~~
 - ~~[(v) how the respondent's school readiness program is a high quality school readiness program; and]~~
 - ~~[(vi)]~~ (v) the results of any evaluations of the respondent's school readiness program~~[-];~~
and
 - (vi) a demonstration that the respondent's existing school readiness program meets performance outcome measures.
- (c) In addition to the requirements described in Subsection ~~[(4)]~~ (3)(b), a respondent that is an eligible LEA shall describe in the respondent's proposal the percentage of the respondent's kindergarten through grade 12 students who are economically disadvantaged ~~[children].~~
- ~~[(5)(a)]~~ (4) For each ~~[LEA]~~ proposal received in response to the solicitation described in Subsection ~~[(3)(a)]~~ (2), the board shall determine if the ~~[LEA]~~ respondent school readiness program is a high quality school readiness program by:

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

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

(b) reviewing performance outcome measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) An eligible LEA or an eligible private provider may not receive funding under this section if the eligible LEA or eligible private provider receives funding under Section

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35A-15-301 or 35A-15-401.

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

- (a) the number and percent of students in the respondent's high quality school readiness program that are eligible students at the highest risk;
- (b) geographic diversity, including whether the respondent is urban or rural;
- (c) the extent to which the respondent intends to participate in a partnership with an LEA, eligible private provider, or eligible home-based technology provider; and
- (d) the respondent's level of administrative support and leadership to effectively implement, monitor, and evaluate the program.

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

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

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

- (a) use the grant to expand access for eligible students to high quality school readiness programs by enrolling eligible students in a high quality school readiness program;
- (b) report to the board annually regarding:
 - (i) how the respondent used the grant awarded under Subsection ~~[(6) or (7)]~~ (5);
 - (ii) participation in any partnerships between an LEA, eligible private provider, or eligible home-based technology provider; and
 - (iii) the results of any evaluations;
- (c) allow classroom or other visits ~~[by an independent evaluator selected by the board under Section 53F-5-307]~~ for an evaluation; and
- (d) for a respondent that is an eligible LEA, notify a parent or legal guardian who expresses interest in enrolling the parent or legal guardian's child in the LEA's high quality school readiness program of each state-funded high quality school readiness program operating within the eligible LEA's geographic boundaries.

~~[(11)]~~ ~~An LEA that receives a grant under this section may charge a student fee to~~

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~~participate in an LEA's school readiness program if:]~~

~~[(a) the LEA's local school board or charter school governing board approves the fee;]~~

~~[(b) the fee for a student does not exceed the actual cost of providing the high quality school readiness program to the student; and]~~

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

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

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

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

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

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

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

~~(a) makes the annual report described in Subsection [(9)] (7)(b);~~

~~(b) participates in the [annual] evaluation [described in Section 53F-5-307]; and~~

~~(c) continues to offer a high quality school readiness program as determined during an annual site visit by:~~

~~(i) the [board] State Board of Education, for an eligible LEA; or~~

~~(ii) the department, for an eligible private provider.~~

~~[(14)] (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[:(a)], the board shall make rules to:~~

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

~~[(ii)] (b) administer the grant program [for LEAs described in this section; and].~~

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~~[(b) the department shall make rules to administer the grant program for eligible private providers described in this section.]~~

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

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

(1) The State Board of Education shall, in consultation with the board, conduct the ongoing review and evaluation each school year of:

(a) a grant recipient under Section 35A-15-301; and

(b) a grant recipient under Section 35A-15-302.

(2) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the State Board of Education may enter into a contract with an evaluator to assist with the evaluation process.

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

(i) outcomes of onsite observations utilizing the tool developed under Subsection (4) at a frequency and number of classrooms visits established by the board;

(ii) performance on the performance outcome measures; and

(iii) whether any of the programs improved kindergarten readiness through funding provided under Section 35A-15-301 or 35A-15-302.

(3) The board shall determine whether there is a correlation between the tool and the performance outcome measure.

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

(a) shall:

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

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

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

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

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

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

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

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

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

Part 4. Results-based Contract Funded Programs

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

(1) As used in this section:

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

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

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

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

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

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

(b) if the participating program operator is an eligible private provider or eligible home-based technology provider, working with the State Board of Education to assign a unique

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student identifier to each student enrolled in the classroom or who uses the home-based educational technology.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the eligible private provider meets the requirements described in this section for a

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participating program operator[;].

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

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

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

- (i) professional development;
- (ii) staffing or staff support;
- (iii) materials; or
- (iv) assessments.

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

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

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

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

(b) The board may provide for a repayment to an investor to include a return of investment and an additional return on investment, dependent on achievement of the performance outcome measures set in the results-based contract.

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

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

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

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

(ii) a requirement for an independent evaluator to determine whether the performance

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outcome measures have been achieved;

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

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

(B) subject to legislative appropriations; and

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

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

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

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

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

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

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

~~[(B) provides an improvement time frame during which the high quality school readiness program may continue to receive funding if the high quality school readiness program fails to continue to meet the performance outcome measure:]~~

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

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

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

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

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

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

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contract.

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

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

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

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

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

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

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

~~[(7)]~~ (6) (a) The board shall ensure that a parent or guardian of an eligible student participating in a program funded through a results-based contract has given permission and signed an acknowledgment that the student's data may be shared ~~[with an independent evaluator]~~ for research and evaluation purposes, subject to federal law.

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

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

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

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

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

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

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

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

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

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

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

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

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

53E-4-314. School readiness assessment.

(1) As used in this section:

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

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

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

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- (ii) that receives funding under[:] Title 35A, Chapter 15, Preschool Programs.
~~[(A) Title 53F, Chapter 5, Part 3, High Quality School Readiness Program; or]~~
~~[(B) Title 53F, Chapter 6, Part 3, School Readiness Initiative.]~~

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

(3) A school readiness program shall:

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

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

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

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

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

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

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

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

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

53E-9-301. Definitions.

As used in this part:

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

(a) is at least 18 years old;

(b) is an emancipated student; or

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

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

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(2) "Aggregate data" means data that:

(a) are totaled and reported at the group, cohort, school, school district, region, or state level with at least 10 individuals in the level;

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

(c) are collected in accordance with board rule.

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

(i) retina or iris scan;

(ii) fingerprint;

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

(iv) scan of hand or face geometry.

(b) "Biometric identifier" does not include:

(i) a writing sample;

(ii) a written signature;

(iii) a voiceprint;

(iv) a photograph;

(v) demographic data; or

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

(4) "Biometric information" means information, regardless of how the information is collected, converted, stored, or shared:

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

(b) used to identify the individual.

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

(6) "Data breach" means an unauthorized release of or unauthorized access to personally identifiable student data that is maintained by an education entity.

(7) "Data governance plan" means an education entity's comprehensive plan for managing education data that:

(a) incorporates reasonable data industry best practices to maintain and protect student data and other education-related data;

(b) describes the role, responsibility, and authority of an education entity data governance staff member;

(c) provides for necessary technical assistance, training, support, and auditing;

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

(e) describes the education entity's data expungement process, including how to respond to requests for expungement;

(f) describes the data breach response process; and

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

(8) "Education entity" means:

(a) the board;

(b) a local school board;

(c) a charter school governing board;

(d) a school district;

(e) a charter school; or

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

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

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

(10) "General audience application" means an Internet website, online service, online application, mobile application, or software program that:

(a) is not specifically intended for use by an audience member that attends kindergarten or a grade from 1 to 12, although an audience member may attend kindergarten or a grade from 1 to 12; and

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

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

(a) name;

(b) parent name;

(c) grade;

(d) school and school district; and

(e) contact information, including:

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(i) primary phone number;

(ii) email address; and

(iii) physical address.

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

(a) for a student with a disability; and

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

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

(a) a school district;

(b) a charter school; or

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

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

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

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

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

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

(ii) the justification for sharing the data, including whether sharing the data was required by federal law, state law, or a local directive; and

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

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

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

(a) name;

(b) date of birth;

(c) sex;

(d) parent contact information;

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- (e) custodial parent information;
 - (f) contact information;
 - (g) a student identification number;
 - (h) local, state, and national assessment results or an exception from taking a local, state, or national assessment;
 - (i) courses taken and completed, credits earned, and other transcript information;
 - (j) course grades and grade point average;
 - (k) grade level and expected graduation date or graduation cohort;
 - (l) degree, diploma, credential attainment, and other school exit information;
 - (m) attendance and mobility;
 - (n) drop-out data;
 - (o) immunization record or an exception from an immunization record;
 - (p) race;
 - (q) ethnicity;
 - (r) tribal affiliation;
 - (s) remediation efforts;
 - (t) an exception from a vision screening required under Section 53G-9-404 or information collected from a vision screening required under Section 53G-9-404;
 - (u) information related to the Utah Registry of Autism and Developmental Disabilities, described in Section 26-7-4;
 - (v) student injury information;
 - (w) a disciplinary record created and maintained as described in Section 53E-9-306;
 - (x) juvenile delinquency records;
 - (y) English language learner status; and
 - (z) child find and special education evaluation data related to initiation of an IEP.
- (16) (a) "Optional student data" means student data that is not:
- (i) necessary student data; or
 - (ii) student data that an education entity may not collect under Section 53E-9-305.
- (b) "Optional student data" includes:
- (i) information that is:
 - (A) related to an IEP or needed to provide special needs services; and

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(B) not necessary student data;
(ii) biometric information; and
(iii) information that is not necessary student data and that is required for a student to participate in a federal or other program.

(17) "Parent" means:

(a) a student's parent;
(b) a student's legal guardian; or
(c) an individual who has written authorization from a student's parent or legal guardian to act as a parent or legal guardian on behalf of the student.

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

(b) "Personally identifiable student data" includes:

(i) a student's first and last name;
(ii) the first and last name of a student's family member;
(iii) a student's or a student's family's home or physical address;
(iv) a student's email address or other online contact information;
(v) a student's telephone number;
(vi) a student's social security number;
(vii) a student's biometric identifier;
(viii) a student's health or disability data;
(ix) a student's education entity student identification number;
(x) a student's social media user name and password or alias;
(xi) if associated with personally identifiable student data, the student's persistent identifier, including:

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

(B) a processor serial number;

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

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

(xiv) information that, alone or in combination, is linked or linkable to a specific

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student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

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

(20) (a) "Student data" means information about a student at the individual student level.

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

(21) "Student data manager" means:

(a) the state student data officer; or

(b) an individual designated as a student data manager by an education entity under Section 53E-9-303, who fulfills the duties described in Section 53E-9-308.

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

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

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

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

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

(a) is not an education entity; and

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

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

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

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

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

53F-4-401. Definitions.

As used in this part:

- (1) "Contractor" means the educational technology provider selected by the [~~State Board of Education~~] state board under Section 53F-4-402.
- ~~[(2) "Low income" means an income below 185% of the federal poverty guideline.]~~
 - (2) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
- (3) "Preschool [~~children~~] child" means [~~children who are~~] a child who is:
 - (a) age four or five; and
 - (b) [~~have not entered kindergarten.~~] not eligible for enrollment under Subsection 53G-4-402(6).
- (4) (a) "Private preschool provider" means a child care program that:
 - (i) (A) is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or
 - (B) except as provided in Subsection (4)(b)(ii), is exempt from licensure under Section 26-39-403; and
 - (ii) meets other criteria as established by the state board, consistent with Utah Constitution, Article X, Section 1.
- (b) "Private preschool provider" does not include:
 - (i) a residential certificate provider described in Section 26-39-402; or
 - (ii) a program exempt from licensure under Subsection 26-39-403(2)(c).
- (5) "Public preschool" means a preschool program that is provided by a school district or charter school.
- (6) "Qualifying participant" means a preschool child who:
 - (a) resides within the boundaries of a qualifying school as determined under Section 53G-6-302; or
 - (b) is enrolled in a qualifying preschool.
- (7) "Qualifying preschool" means a public preschool or private preschool provider that:
 - (a) serves preschool children covered by child care subsidies funded by the Child Care and Development Block Grant Program authorized under 42 U.S.C. Secs. 9857-9858r;
 - (b) participates in a federally assisted meal program that provides funds to licensed

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child care centers as authorized under Section 53E-3-501; or

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

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

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

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

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

(i) Beaver School District;

(ii) Carbon School District;

(iii) Daggett School District;

(iv) Duchesne School District;

(v) Emery School District;

(vi) Garfield School District;

(vii) Grand School District;

(viii) Iron School District;

(ix) Juab School District;

(x) Kane School District;

(xi) Millard School District;

(xii) Morgan School District;

(xiii) North Sanpete School District;

(xiv) North Summit School District;

(xv) Piute School District;

(xvi) Rich School District;

(xvii) San Juan School District;

(xviii) Sevier School District;

(xix) South Sanpete School District;

(xx) South Summit School District;

(xxi) Tintic School District;

(xxii) Uintah School District; or

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(xxiii) Wayne School District.

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

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

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

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

(2) UPSTART is created to:

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

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

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

~~[(b) (i) The State Board of Education may, on or before July 1, 2019, issue a request for proposals for two-year pilot proposals from, and enter into a contract with, one or more educational technology providers that do not have an existing contract under this part with the state for the delivery of a home-based educational technology program for preschool children that meets the requirements of Subsection (4).]~~

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

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

(4) A home-based educational technology program for preschool children shall meet

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the following standards:

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

(b) the contractor shall:

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

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

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

(i) communicating with parents;

(ii) updating the instructional software;

(iii) validating user access;

(iv) collecting usage data;

(v) storing research data; and

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

(d) the program shall include the following components:

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

(ii) a multisensory reading tutoring program; and

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

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

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

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

(h) in implementing the home-based educational technology program, the contractor shall seek the ~~advice~~ advice and expertise of early childhood education professionals within

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the Utah System of Higher Education on issues such as:

- (i) soliciting families to participate in the program;
- (ii) providing training to families; and
- (iii) motivating families to regularly use the instructional software.

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

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

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

- (a) whether the home-based educational technology program meets the standards specified in Subsection (4);
- (b) the results of an independent evaluation of the home-based educational technology program;
- (c) the experience of the home-based educational technology program provider; and
- (d) the per pupil cost of the home-based educational technology program.

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

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

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

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

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

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

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

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

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

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

(2) A contractor may require a local school board or private preschool provider

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participating in UPSTART to enter into an agreement with the contractor to:

- (a) dictate targets for program usage and terms for failure to meet those targets;
- (b) determine data sharing terms; and
- (c) agree to other reasonable terms required for successful implementation.

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

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

(1) The contractor shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(ii) create a deadline for an individual to submit an application, if necessary.]~~

(c) A preschool child may only participate in UPSTART through legislative funding once.

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

53F-4-406. Audit and evaluation.

(1) The state auditor shall every three years:

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

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

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

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- (a) require by contract that the contractor will open its books and records relating to its expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;
- (b) reimburse the state auditor for the actual and necessary costs of the audit; and
- (c) contract with an independent, qualified evaluator, selected through a request for proposals process, to evaluate the home-based educational technology program for preschool children.

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

~~[(3)]~~ (4) Of the money appropriated by the Legislature for UPSTART, excluding funds used to provide computers, peripheral equipment, and Internet service to families, no more than 7.5% of the appropriation not to exceed \$600,000 may be used for the evaluation and administration of the program.

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

53F-4-407. Annual report.

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

(2) The report shall:

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

(b) include the following information:

(i) the number of families:

(A) volunteering to participate in the program;

(B) selected to participate in the program;

(C) requesting computers; and

(D) furnished computers;

(ii) the number of private preschool providers and public preschool providers participating in the program;

~~[(ii)]~~ (iii) the frequency of use of the instructional software;

~~[(iii)]~~ (iv) obstacles encountered with software usage, hardware, or providing technical

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assistance to families;

~~[(iv)]~~ (v) student performance on ~~[pre-kindergarten and post-kindergarten]~~ entry and exit kindergarten assessments conducted by school districts and charter schools for students who participated in the home-based educational technology program and those who did not participate in the program; and

~~[(v)]~~ (vi) as available, the evaluation of the program conducted pursuant to Section 53F-4-406.

Section 20. Section **63J-1-602.1** is amended to read:

63J-1-602.1. List of nonlapsing appropriations from accounts and funds.

Appropriations made from the following accounts or funds are nonlapsing:

(1) The Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102.

(2) The Native American Repatriation Restricted Account created in Section 9-9-407.

(3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.

(4) The National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102.

(5) Funds collected for directing and administering the C-PACE district created in Section 11-42a-302.

(6) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.

(7) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26-1-38.

(8) Funds collected from the emergency medical services grant program, as provided in Section 26-8a-207.

(9) The Prostate Cancer Support Restricted Account created in Section 26-21a-303.

(10) The Children with Cancer Support Restricted Account created in Section 26-21a-304.

(11) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.

(12) The Children with Heart Disease Support Restricted Account created in Section

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26-58-102.

(13) The Nurse Home Visiting Restricted Account created in Section 26-62-601.

(14) The Technology Development Restricted Account created in Section 31A-3-104.

(15) The Criminal Background Check Restricted Account created in Section 31A-3-105.

(16) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.

(17) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

(18) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.

(19) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.

(20) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

(21) The School Readiness Restricted Account created in Section [~~35A-3-210~~] 35A-15-203.

(22) The Youth Development Organization Restricted Account created in Section 35A-8-1903.

(23) The Youth Character Organization Restricted Account created in Section 35A-8-2003.

(24) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.

(25) The Oil and Gas Conservation Account created in Section 40-6-14.5.

(26) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.

(27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.

(28) The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.

(29) The State Disaster Recovery Restricted Account to the Division of Emergency

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Management, as provided in Section 53-2a-603.

(30) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.

(31) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

(32) The DNA Specimen Restricted Account created in Section 53-10-407.

(33) The Canine Body Armor Restricted Account created in Section 53-16-201.

(34) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

(35) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

(36) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

(37) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

(38) The Relative Value Study Restricted Account created in Section 59-9-105.

(39) The Cigarette Tax Restricted Account created in Section 59-14-204.

(40) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

(41) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

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

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

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

(45) The Choose Life Adoption Support Restricted Account created in Section

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62A-4a-608.

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

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

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

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

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

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

(52) The Employability to Careers Program Restricted Account created in Section 63J-4-703.

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

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

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

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

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

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

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

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

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

(62) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, Jordan River State Park, and Green River State Park, as provided under Section

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79-4-403.

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

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

Section 21. **Repealer.**

This bill repeals:

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

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

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

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

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

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

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

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

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

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

Section 22. **Appropriation.**

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

ITEM 1

To Department of Workforce Services -- Operations and Policy

From General Fund \$6,000,000

Schedule of Programs:

Workforce Development Division \$6,000,000

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

ITEM 2

To State Board of Education -- General System Support

From Education Fund \$500,000

Schedule of Programs:

Teaching and Learning \$500,000

The Legislature intends that the State Board of Education use the ongoing appropriation for conducting the ongoing review and evaluation of a school readiness program in accordance with Section 35A-15-303.

ITEM 3

To State Board of Education -- Initiative Programs

From Education Fund \$5,500,000

Schedule of Programs:

UPSTART \$5,500,000

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

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

(1) replacing the language in Subsection 35A-15-303(5)(a) with the following:

"(5) (a) The State Board of Education shall annually prepare a report for the Education Interim Committee in accordance with Section 53E-1-201.";

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

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

(b) renumbering remaining subsections accordingly;

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

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

(b) renumbering remaining subsections accordingly;

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(4) (a) repealing Subsection 53E-1-201(1)(k) regarding the report by the state board and Department of Workforce Services on an independent evaluation; and

(b) renumbering remaining subsections accordingly; and

(~~3~~5) (a) ~~inserting the following language as a new~~ ~~repealing~~ Subsection 53E-1-201(2)(~~a~~):

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

(b) renumbering ~~the~~ remaining subsections accordingly.

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

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

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

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

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

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

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

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

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

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

Section 26. Coordinating S.B. 166 with H.B. 387 -- Superseding technical and substantive ~~amendment~~ amendments.

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

SB0166S03 compared with SB0166S02

this bill supersede Section 35A-3-209 in H.B. 387.