

Representative V. Lowry Snow proposes the following substitute bill:

ENHANCED KINDERGARTEN AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill addresses requirements and funding for optional enhanced kindergarten.

Highlighted Provisions:

This bill:

- ▶ amends provisions regarding funding for enhanced kindergarten early intervention programs to require assessment outcomes for an LEA to receive continued funding distributions;
- ▶ provides for the reporting of school readiness assessment data in circumstances outside the High Quality School Readiness Grant Program;
- ▶ moves a requirement for kindergarten entry and exit assessments between programs;
- ▶ repeals an expiring kindergarten program; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2021:

- ▶ to the State Board of Education - Minimum School Program - Related to Basic School Programs, as an ongoing appropriation:
 - from the Education Fund, \$→ [~~\$18,647,200~~] \$9,955,000 ←\$; and
- ▶ to the State Board of Education - MSP Categorical Program Administration, as an



26 ongoing appropriation:

- 27 • from the Education Fund, \$45,000.

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **35A-15-102**, as last amended by Laws of Utah 2019, Chapters 136, 186 and
33 renumbered and amended by Laws of Utah 2019, Chapter 342 and last amended by
34 Coordination Clause, Laws of Utah 2019, Chapter 342

35 **53E-4-314**, as last amended by Laws of Utah 2019, Chapters 186 and 342

36 **53F-2-507**, as last amended by Laws of Utah 2019, Chapter 186

37 **53F-4-406**, as last amended by Laws of Utah 2019, Chapters 186 and 342

38 REPEALS:

39 **53F-4-205**, as last amended by Laws of Utah 2019, Chapter 186



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

42 Section 1. Section **35A-15-102** is amended to read:

43 **35A-15-102. Definitions.**

44 As used in this chapter:

45 (1) "Board" means the School Readiness Board, created in Section **35A-15-201**.

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

48 (3) "Eligible home-based educational technology provider" means a provider that
49 offers a home-based educational technology program to develop the school readiness skills of
50 an eligible student.

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

54 (b) "Eligible LEA" includes a program exempt from licensure under Subsection
55 **26-39-403(2)(c)**.

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

57 (i) is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or
58 (ii) except as provided in Subsection (5)(b)(ii), is exempt from licensure under Section
59 [26-39-403](#).

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

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

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

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

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

65 (ii) is not eligible for enrollment under Subsection [53G-4-402\(6\)](#); and

66 (b) (i) (A) who is economically disadvantaged; and

67 (B) whose parent or legal guardian reports that the student has experienced at least one
68 risk factor; or

69 (ii) is an English learner.

70 (7) "Evaluation" means an evaluation conducted in accordance with Section
71 [35A-15-303](#).

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

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

75 (b) meets the elements of a high quality school readiness program described in Section
76 [35A-15-202](#).

77 (9) "Investor" means a person that enters into a results-based contract to provide
78 funding to a high quality school readiness program on the condition that the person will receive
79 payment in accordance with Section [35A-15-402](#) if the high quality school readiness program
80 meets the performance outcome measures included in the results-based contract.

81 (10) "Kindergarten assessment" means the kindergarten entry assessment described in
82 Section [~~[53F-4-205](#)~~] [53F-2-507](#).

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

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

87 (13) "Performance outcome measure" means:

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

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

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

92 (a) is entered into in accordance with Section 35A-15-402;

93 (b) includes a performance outcome measure; and

94 (c) is between the board, a provider of a high quality school readiness program, and an
95 investor.

96 (15) "Risk factor" means:

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

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

99 (c) living in a neighborhood with high violence or crime;

100 (d) having one or both parents with a low reading ability;

101 (e) moving at least once in the past year;

102 (f) having ever been in foster care;

103 (g) living with multiple families in the same household;

104 (h) having exposure in a child's home to:

105 (i) physical abuse or domestic violence;

106 (ii) substance abuse;

107 (iii) the death or chronic illness of a parent or sibling; or

108 (iv) mental illness;

109 (i) the primary language spoken in a child's home is a language other than English; or

110 (j) having at least one parent who has not completed high school.

111 (16) "School readiness assessment" means the same as that term is defined in Section
112 53E-4-314.

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

114 Section 2. Section 53E-4-314 is amended to read:

115 **53E-4-314. School readiness assessment.**

116 (1) As used in this section:

117 (a) "School readiness assessment" means a preschool entry and exit profile that
118 measures literacy, numeracy, and lifelong learning practices developed in a student.

119 (b) "School readiness program" means a preschool program:
120 (i) in which a student participates in the year before the student is expected to enroll in
121 kindergarten; and
122 (ii) that receives funding under Title 35A, Chapter 15, Preschool Programs.
123 (2) The state board shall develop a school readiness assessment that aligns with the
124 kindergarten entry and exit assessment described in Section ~~[53F-4-205]~~ 53F-2-507.
125 (3) A school readiness program shall:
126 (a) except as provided in Subsection (4), administer to each student who participates in
127 the school readiness program the school readiness assessment at the beginning and end of the
128 student's participation in the school readiness program; and
129 (b) report the results of the assessments described in Subsection (3)(a) or (4) to the
130 School Readiness Board created in Section 35A-15-201.
131 (4) In place of the assessments described in Subsection (3)(a), a school readiness
132 program that is offered through home-based technology may administer to each student who
133 participates in the school readiness program:
134 (a) a validated computer adaptive pre-assessment at the beginning of the student's
135 participation in the school readiness program; and
136 (b) a validated computer adaptive post-assessment at the end of the student's
137 participation in the school readiness program.
138 (5) (a) The following may submit school readiness assessment data to the School
139 Readiness Board created in Section 35A-15-201:
140 (i) a private child care provider; or
141 (ii) an LEA on behalf of a school that is not participating in the High Quality School
142 Readiness Grant Program described in Section 35A-15-301.
143 (b) If a private child care provider or LEA submits school readiness assessment; Line
144 138 data to the School Readiness Board under Subsection (5)(a), the state board shall include
145 the school readiness assessment data in the report described in Subsection 35A-15-303(5).
146 Section 3. Section **53F-2-507** is amended to read:
147 **53F-2-507. Enhanced kindergarten early intervention program.**
148 (1) The state board shall, as described in Subsection (4), distribute funds appropriated
149 under this section for an enhanced kindergarten program described in Subsection (2), to school

150 districts and charter schools that apply for the funds.

151 (2) An LEA governing board shall use funds appropriated in this section for a school
152 district or charter school to offer an early intervention program, delivered through an enhanced
153 kindergarten program that:

154 (a) is an academic program focused on building age-appropriate literacy and numeracy
155 skills;

156 (b) uses an evidence-based early intervention model;

157 (c) is targeted to at-risk students; and

158 (d) is delivered through additional hours or other means.

159 (3) An LEA governing board may not require a student to participate in an enhanced
160 kindergarten program described in Subsection (2).

161 (4) ~~[The]~~ Subject to Subsection (6), the state board shall distribute funds appropriated
162 under this section for an enhanced kindergarten program described in Subsection (2) as
163 follows:

164 (a) (i) the total allocation for charter schools shall be calculated by:

165 (A) dividing the number of charter school students by the total number of students in
166 the public education system in the prior school year; and

167 (B) multiplying the resulting percentage by the total amount of available funds; and

168 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter
169 schools with the greatest need for an enhanced kindergarten program, as determined by the
170 state board in consultation with the State Charter School Board;

171 (b) each school district shall receive the amount calculated by:

172 (i) multiplying the value of the weighted pupil unit by 0.45; and

173 (ii) multiplying the result by 20; and

174 (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)
175 are made, shall be distributed to applicant school districts by:

176 (i) determining the number of students eligible to receive free lunch in the prior school
177 year for each school district; and

178 (ii) prorating the remaining funds based on the number of students eligible to receive
179 free lunch in each school district.

180 (5) (a) The state board shall:

181 (i) develop and collect data from kindergarten entry and exit assessments; and
182 (ii) make rules regarding the administration of and reporting regarding the assessments.

183 (b) An LEA shall administer the entry and exit assessments described in Subsection
184 (5)(a) to each kindergarten student.

185 (6) For an LEA that receives funds under Subsection (4):

186 (a) the LEA shall report to the state board the results of the entry and exit assessments
187 described in Subsection (5)(a) in relation to each kindergarten student in the LEA; and

188 (b) the LEA is not eligible for subsequent distributions under Subsection (4) unless the
189 results of the entry and exit assessments demonstrate successful outcomes of the LEA's
190 enhanced kindergarten program, as determined by the board.

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

192 **53F-4-406. Audit and evaluation.**

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

194 (a) conduct an audit of the contractor's use of funds for UPSTART; or

195 (b) contract with an independent certified public accountant to conduct an audit.

196 (2) The state board shall:

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

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

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

203 (3) The evaluator described in Subsection (2)(c) shall use, among other indicators,
204 assessment scores from an assessment described in Section [~~53F-4-205~~] [53F-2-507](#) to evaluate
205 whether the contractor has effectively prepared preschool children for academic success as
206 described in Section [53F-4-402](#).

207 (4) Of the money appropriated by the Legislature for UPSTART, excluding funds used
208 to provide computers, peripheral equipment, and Internet service to families, no more than
209 7.5% of the appropriation not to exceed \$600,000 may be used for the evaluation and
210 administration of the program.

211 Section 5. **Repealer.**

212 This bill repeals:

213 Section **53F-4-205, Kindergarten supplemental enrichment program.**

214 Section 6. **Appropriation.**

215 The following sums of money are appropriated for the fiscal year beginning July 1,
216 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
217 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
218 Act, the Legislature appropriates the following sums of money from the funds or accounts
219 indicated for the use and support of the government of the state of Utah.

220 ITEM 1

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

222 Programs

223 From Education Fund $\hat{\$} \rightarrow [\text{\$18,647,200}] \text{\$9,955,000} \leftarrow \hat{\$}$

224 Schedule of Programs:

225 Early Intervention $\hat{\$} \rightarrow [\text{\$18,647,200}] \text{\$9,955,000} \leftarrow \hat{\$}$

226 ITEM 2

227 To State Board of Education - MSP Categorical Program Administration

228 From Education Fund \$45,000

229 Schedule of Programs:

230 High Quality School Readiness Grant Program \$45,000