

1 **ENHANCED KINDERGARTEN AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: V. Lowry Snow**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses requirements and funding for optional enhanced kindergarten.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ amends provisions regarding funding for enhanced kindergarten early intervention
13 programs to require assessment outcomes for an LEA to receive continued funding
14 distributions;

15 ▶ moves a requirement for kindergarten entry and exit assessments between programs;

16 ▶ repeals an expiring kindergarten program; and

17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **35A-15-102**, as last amended by Laws of Utah 2019, Chapters 136, 186 and
25 renumbered and amended by Laws of Utah 2019, Chapter 342 and last amended by
26 Coordination Clause, Laws of Utah 2019, Chapter 342

27 **53E-4-314**, as last amended by Laws of Utah 2019, Chapters 186 and 342



28 [53F-2-507](#), as last amended by Laws of Utah 2019, Chapter 186

29 [53F-4-406](#), as last amended by Laws of Utah 2019, Chapters 186 and 342

30 REPEALS:

31 [53F-4-205](#), as last amended by Laws of Utah 2019, Chapter 186



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

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

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

36 As used in this chapter:

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

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

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

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

46 (b) "Eligible LEA" includes a program exempt from licensure under Subsection
47 [26-39-403\(2\)\(c\)](#).

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

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

50 (ii) except as provided in Subsection (5)(b)(ii), is exempt from licensure under Section
51 [26-39-403](#).

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

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

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

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

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

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

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

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

61 (ii) is an English learner.

62 (7) "Evaluation" means an evaluation conducted in accordance with Section
63 [35A-15-303](#).

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

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

67 (b) meets the elements of a high quality school readiness program described in Section
68 [35A-15-202](#).

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

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

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

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

79 (13) "Performance outcome measure" means:

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

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

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

84 (a) is entered into in accordance with Section [35A-15-402](#);

85 (b) includes a performance outcome measure; and

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

88 (15) "Risk factor" means:

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

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

103 (16) "School readiness assessment" means the same as that term is defined in Section
104 [53E-4-314](#).

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

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

107 **53E-4-314. School readiness assessment.**

108 (1) As used in this section:

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

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

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

114 (ii) that receives funding under Title 35A, Chapter 15, Preschool Programs.

115 (2) The state board shall develop a school readiness assessment that aligns with the
116 kindergarten entry and exit assessment described in Section [~~53F-4-205~~] [53F-2-507](#).

117 (3) A school readiness program shall:

118 (a) except as provided in Subsection (4), administer to each student who participates in
119 the school readiness program the school readiness assessment at the beginning and end of the
120 student's participation in the school readiness program; and

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

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

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

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

130 Section 3. Section 53F-2-507 is amended to read:

131 **53F-2-507. Enhanced kindergarten early intervention program.**

132 (1) The state board shall, as described in Subsection (4), distribute funds appropriated
133 under this section for an enhanced kindergarten program described in Subsection (2), to school
134 districts and charter schools that apply for the funds.

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

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

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

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

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

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

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

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

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

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

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

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

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

157 (ii) multiplying the result by 20; and

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

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

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

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

165 (i) develop and collect data from kindergarten entry and exit assessments; and

166 (ii) make rules regarding the administration of and reporting regarding the assessments.

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

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

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

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

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

176 **53F-4-406. Audit and evaluation.**

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

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

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

180 (2) The state board shall:

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

183 (b) reimburse the state auditor for the actual and necessary costs of the audit; and
184 (c) contract with an independent, qualified evaluator, selected through a request for
185 proposals process, to evaluate the home-based educational technology program for preschool
186 children.

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

191 (4) Of the money appropriated by the Legislature for UPSTART, excluding funds used
192 to provide computers, peripheral equipment, and Internet service to families, no more than
193 7.5% of the appropriation not to exceed \$600,000 may be used for the evaluation and
194 administration of the program.

195 **Section 5. Repealer.**

196 This bill repeals:

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