

HB0099S01 compared with HB0099

~~deleted text~~ shows text that was in HB0099 but was deleted in HB0099S01.

Inserted text shows text that was not in HB0099 but was inserted into HB0099S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

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.

HB0099S01 compared with HB0099

Money Appropriated in this Bill:

~~{None}~~ 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; and
- ▶ to the State Board of Education - MSP Categorical Program Administration, as an ongoing appropriation:
 - from the Education Fund, \$45,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 35A-15-102**, as last amended by Laws of Utah 2019, Chapters 136, 186 and renumbered and amended by Laws of Utah 2019, Chapter 342 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 342
- 53E-4-314**, as last amended by Laws of Utah 2019, Chapters 186 and 342
- 53F-2-507**, as last amended by Laws of Utah 2019, Chapter 186
- 53F-4-406**, as last amended by Laws of Utah 2019, Chapters 186 and 342

REPEALS:

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

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

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

35A-15-102. Definitions.

As used in this chapter:

- (1) "Board" means the School Readiness Board, created in Section 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 offers a home-based educational technology program to develop the school readiness skills of an eligible student.

HB0099S01 compared with HB0099

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

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

(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

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

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

(ii) is an English learner.

(7) "Evaluation" means an 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 35A-15-202.

(9) "Investor" means a person that enters into a results-based contract to provide funding to a high quality school readiness program on the condition that the person will receive payment in accordance with Section 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

HB0099S01 compared with HB0099

Section [~~53F-4-205~~] 53F-2-507.

(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.

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

(13) "Performance outcome measure" means:

(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.

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

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

(b) includes a performance outcome measure; and

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

(15) "Risk factor" means:

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

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

HB0099S01 compared with HB0099

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

Section 2. 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 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

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

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

(3) A school readiness program shall:

(a) except as provided in Subsection (4), administer to each student who participates in the school readiness program the school readiness assessment at the beginning and 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.

(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.

(5) (a) The following may submit school readiness assessment data to the School Readiness Board created in Section 35A-15-201:

(i) a private child care provider; or

(ii) an LEA on behalf of a school that is not participating in the High Quality School Readiness Grant Program described in Section 35A-15-301.

(b) If a private child care provider or LEA submits school readiness assessment; Line

HB0099S01 compared with HB0099

138 data to the School Readiness Board under Subsection (5)(a), the state board shall include the school readiness assessment data in the report described in Subsection 35A-15-303(5).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) multiplying the result by 20; and

(c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)

HB0099S01 compared with HB0099

are made, shall be distributed to applicant school districts by:

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

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

(5) (a) The state board shall:

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

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

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

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

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

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

Section 4. 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 audit of the contractor's use of funds for UPSTART; or

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

(2) The state board shall:

(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~~] 53F-2-507 to evaluate whether the contractor has effectively prepared preschool children for academic success as

HB0099S01 compared with HB0099

described in Section 53F-4-402.

(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 5. **Repealer.**

This bill repeals:

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

Section 6. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021. 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 State Board of Education - Minimum School Program - Related to Basic School Programs

From Education Fund \$18,647,200

Schedule of Programs:

Early Intervention \$18,647,200

ITEM 2

To State Board of Education - MSP Categorical Program Administration

From Education Fund \$45,000

Schedule of Programs:

High Quality School Readiness Grant Program \$45,000