

**UPSTART AMENDMENTS**

2021 FIRST SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Bradley G. Last

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**LONG TITLE**

**General Description:**

This bill expands the scope of the UPSTART program for the 2021-2022 school year.

**Highlighted Provisions:**

This bill:

▶ permits children enrolled in kindergarten or eligible for enrollment in kindergarten to participate in UPSTART in the 2021-2022 school year.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**53F-4-401**, as last amended by Laws of Utah 2019, Chapters 186 and 342

**53F-4-404**, as last amended by Laws of Utah 2019, Chapters 186 and 342

**63I-2-253**, as last amended by Laws of Utah 2021, Chapters 6, 64, 187, 239, 251, 319, 341, 351, 402, and 433

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

Section 1. Section **53F-4-401** is amended to read:

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



28 As used in this part:

29 (1) "Contractor" means the educational technology provider selected by the state board  
30 under Section [53F-4-402](#).

31 (2) "Intergenerational poverty" means the same as that term is defined in Section  
32 [35A-9-102](#).

33 (3) "Preschool child" means a child who is:

34 (a) (i) [~~age~~] four or five years old; and

35 [~~(b)~~] (ii) not eligible for enrollment under Subsection [53G-4-402\(6\)](#)[~~-~~]; or

36 (b) in the 2021-2022 school year, eligible for enrollment in kindergarten or enrolled in  
37 kindergarten.

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

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

40 (B) except as provided in Subsection (4)(b)(ii), is exempt from licensure under Section  
41 [26-39-403](#); and

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

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

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

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

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

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

50 (a) resides within the boundaries of a qualifying school as determined under Section  
51 [53G-6-302](#); or

52 (b) is enrolled in a qualifying preschool.

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

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

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

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

- 59 (8) "Qualifying school" means a school district elementary school that:
- 60 (a) has at least 50% of students who were eligible to receive free or reduced lunch the
- 61 previous school year;
- 62 (b) is a school with a high percentage, as determined by the Department of Workforce
- 63 Services through rule and based on the previous school year enrollments, of students
- 64 experiencing intergenerational poverty; or
- 65 (c) is located in one of the following school districts:
- 66 (i) Beaver School District;
- 67 (ii) Carbon School District;
- 68 (iii) Daggett School District;
- 69 (iv) Duchesne School District;
- 70 (v) Emery School District;
- 71 (vi) Garfield School District;
- 72 (vii) Grand School District;
- 73 (viii) Iron School District;
- 74 (ix) Juab School District;
- 75 (x) Kane School District;
- 76 (xi) Millard School District;
- 77 (xii) Morgan School District;
- 78 (xiii) North Sanpete School District;
- 79 (xiv) North Summit School District;
- 80 (xv) Piute School District;
- 81 (xvi) Rich School District;
- 82 (xvii) San Juan School District;
- 83 (xviii) Sevier School District;
- 84 (xix) South Sanpete School District;
- 85 (xx) South Summit School District;
- 86 (xxi) Tintic School District;
- 87 (xxii) Uintah School District; or
- 88 (xxiii) Wayne School District.
- 89 (9) "UPSTART" means the project established by Section [53F-4-402](#) that uses a

90 home-based educational technology program to develop school readiness skills of preschool  
91 children.

92 Section 2. Section **53F-4-404** is amended to read:

93 **53F-4-404. Family participation in UPSTART -- Priority enrollment.**

94 (1) The contractor shall:

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

97 (b) work with the Department of Workforce Services and the state board to solicit  
98 participation from families of qualifying participants to participate in UPSTART.

99 (2) Preschool children who participate in UPSTART shall:

100 (a) be from families with diverse socioeconomic and ethnic backgrounds;

101 (b) reside in different regions of the state in both urban and rural areas; and

102 (c) be given preference to participate if the preschool children are qualifying  
103 participants.

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

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

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

111 (d) A qualifying participant may obtain a computer and peripheral equipment on loan  
112 and receive free Internet service for the duration of the qualified participant's participation in  
113 UPSTART if the qualifying participant:

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

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

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

120 (b) The state board and the contractor shall annually post on their websites information

121 on purchasing a home-based educational technology program as provided in Subsection (4)(a).

122 (c) [A] Except as provided in Subsection (4)(d), a preschool child may only participate  
123 in UPSTART through legislative funding once.

124 (d) Subsection (4)(c) does not apply to a preschool child who, in the 2021-2022 school  
125 year:

126 (i) is eligible for enrollment in kindergarten; or

127 (ii) is enrolled in kindergarten.

128 Section 3. Section **63I-2-253** is amended to read:

129 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

130 (1) Section **53-1-106.1** is repealed January 1, 2022.

131 (2) (a) Section **53-2a-217**, regarding procurement during an epidemic or pandemic  
132 emergency, is repealed on December 31, 2021.

133 (b) When repealing Section **53-2a-217**, the Office of Legislative Research and General  
134 Counsel shall, in addition to the office's authority under Subsection **36-12-12(3)**, make  
135 necessary changes to subsection numbering and cross references.

136 (3) Section **53-2a-219**, in relation to termination of emergency powers pertaining to  
137 COVID-19, is repealed on July 1, 2021.

138 (4) (a) Subsection **53B-2a-108(5)**, regarding exceptions to the composition of a  
139 technical college board of trustees, is repealed July 1, 2022.

140 (b) When repealing Subsection **53B-2a-108(5)**, the Office of Legislative Research and  
141 General Counsel shall, in addition to its authority under Subsection **36-12-12(3)**, make  
142 necessary changes to subsection numbering and cross references.

143 (5) Section **53B-6-105.7** is repealed July 1, 2024.

144 (6) (a) Subsection **53B-7-705(6)(b)(iii)(A)**, the language that states "Except as  
145 provided in Subsection (6)(b)(iii)(B)," is repealed July 1, 2021.

146 (b) Subsection **53B-7-705(6)(b)(iii)(B)**, regarding comparing a technical college's  
147 change in performance with the technical college's average performance, is repealed July 1,  
148 2021.

149 (7) (a) Subsection **53B-7-707(3)(a)(ii)**, the language that states "Except as provided in  
150 Subsection (3)(b)," is repealed July 1, 2021.

151 (b) Subsection **53B-7-707(3)(b)**, regarding performance data of a technical college

152 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

153 (8) Section 53B-7-707 regarding performance metrics for technical colleges is repealed  
154 July 1, 2023.

155 (9) Section 53B-8-114 is repealed July 1, 2024.

156 (10) The following sections, regarding the Regents' scholarship program, are repealed  
157 on July 1, 2023:

158 (a) Section 53B-8-202;

159 (b) Section 53B-8-203;

160 (c) Section 53B-8-204; and

161 (d) Section 53B-8-205.

162 (11) Section 53B-10-101 is repealed on July 1, 2027.

163 (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is  
164 repealed July 1, 2023.

165 (13) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee  
166 evaluation and recommendations, is repealed January 1, 2024.

167 (14) Section 53E-3-520 is repealed July 1, 2021.

168 (15) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed July 1,  
169 2024.

170 (16) In Subsections 53F-2-205(4) and (5), regarding the State Board of Education's  
171 duties if contributions from the minimum basic tax rate are overestimated or underestimated,  
172 the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

173 (17) Section 53F-2-209, regarding local education agency budgetary flexibility, is  
174 repealed July 1, 2024.

175 (18) Subsection 53F-2-301(1), relating to the years the section is not in effect, is  
176 repealed July 1, 2023.

177 (19) Section 53F-2-302.1, regarding the Enrollment Growth Contingency Program, is  
178 repealed July 1, 2023.

179 (20) Subsection 53F-2-314(4), relating to a one-time expenditure between the at-risk  
180 WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

181 (21) Section 53F-2-418, regarding the Supplemental Educator COVID-19 Stipend, is  
182 repealed January 1, 2022.

183 (22) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as  
184 applicable" is repealed July 1, 2023.

185 (23) Section 53F-4-207 is repealed July 1, 2022.

186 (24) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for enrollment  
187 in kindergarten, is repealed July 1, 2022.

188 (25) In Subsection 53F-4-404(4)(c), the language that states "Except as provided in  
189 Subsection (4)(d)" is repealed July 1, 2022.

190 (26) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.

191 [~~24~~] (27) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as  
192 applicable" is repealed July 1, 2023.

193 [~~25~~] (28) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as  
194 applicable" is repealed July 1, 2023.

195 [~~26~~] (29) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as  
196 applicable" is repealed July 1, 2023.

197 [~~27~~] (30) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,  
198 as applicable" is repealed July 1, 2023.

199 [~~28~~] (31) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(6),  
200 related to the civics engagement pilot program, are repealed on July 1, 2023.

201 [~~29~~] (32) On July 1, 2023, when making changes in this section, the Office of  
202 Legislative Research and General Counsel shall, in addition to the office's authority under  
203 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections  
204 identified in this section are complete sentences and accurately reflect the office's perception of  
205 the Legislature's intent.

206 Section 4. **Effective date.**

207 If approved by two-thirds of all the members elected to each house, this bill takes effect  
208 upon approval by the governor, or the day following the constitutional time limit of Utah  
209 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
210 the date of veto override.