UPSTART AMENDMENTS
2021 FIRST SPECIAL SESSION
STATE OF UTAH
Chief Sponsor: Lincoln Fillmore
House Sponsor: Bradley G. Last

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

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.
As used in this part:

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

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

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

(a) (i) four or five years old; and

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

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

(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 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
      (xxiii) Wayne School District.
(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 2. 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 to solicit participation from families of qualifying participants to participate in UPSTART.

(2) Preschool children who participate in UPSTART shall:

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

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

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

(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.

(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 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 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 and the contractor shall annually post on their websites information
on purchasing a home-based educational technology program as provided in Subsection (4)(a).

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

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

(i) is eligible for enrollment in kindergarten; or

(ii) is enrolled in kindergarten.

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

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

(1) Section 53-1-106.1 is repealed January 1, 2022.
(2) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic emergency, is repealed on December 31, 2021.

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

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

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

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

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

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

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

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

(b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college
(8) Section 53B-7-707 regarding performance metrics for technical colleges is repealed July 1, 2023.

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

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

(a) Section 53B-8-202;
(b) Section 53B-8-203;
(c) Section 53B-8-204; and
(d) Section 53B-8-205.

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

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

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

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

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

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

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

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

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

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

(21) Section 53F-2-418, regarding the Supplemental Educator COVID-19 Stipend, is repealed January 1, 2022.
(22) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

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

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

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

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

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

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

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

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

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

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

Section 4. Effective date.

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