

**Representative Steve Waldrip** proposes the following substitute bill:

**FULL-DAY KINDERGARTEN**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Waldrip**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill requires local education agency governing boards to provide full-day kindergarten options for a kindergarten student.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to scholarship amounts tied to the length of a kindergarten class;
- ▶ amends funding formulas related to kindergarten to reflect a full-day length of a kindergarten class;
- ▶ requires local school boards to provide optional full-day kindergarten classes;
- ▶ clarifies that kindergarten remains optional;
- ▶ establishes a repeal date for an optional expanded kindergarten grant program;
- ▶ relocates a requirement for kindergarten entry and exit assessments from the optional expanded kindergarten grant program;
- ▶ amends a definition in relation to a preschool reading program; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2023:



26 ▶ to the Minimum School Program - Related to Basic School Programs:

- 27 • From the Uniform School Fund, \$47,735,300; and
- 28 • From the Uniform School Fund, One-time, (\$24,735,300).

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

- 33 **35A-15-102**, as last amended by Laws of Utah 2020, Chapter 171
- 34 **53E-4-314**, as last amended by Laws of Utah 2020, Chapter 171
- 35 **53E-7-402**, as enacted by Laws of Utah 2020, Fourth Special Session, Chapter 3
- 36 **53F-2-302**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 9
- 37 **53F-2-302.1**, as enacted by Laws of Utah 2021, Chapter 6
- 38 **53F-2-507**, as last amended by Laws of Utah 2020, Chapter 171
- 39 **53F-4-304**, as last amended by Laws of Utah 2020, Chapter 408
- 40 **53F-4-401**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14
- 41 **53F-4-406**, as last amended by Laws of Utah 2020, Chapter 171
- 42 **53G-7-203**, as last amended by Laws of Utah 2019, Chapter 293
- 43 **63I-2-253**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14



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

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

47 **35A-15-102. Definitions.**

48 As used in this chapter:

- 49 (1) "Board" means the School Readiness Board, created in Section **35A-15-201**.
- 50 (2) "Economically disadvantaged" means to be eligible to receive free or reduced price
- 51 lunch.
- 52 (3) "Eligible home-based educational technology provider" means a provider that
- 53 offers a home-based educational technology program to develop the school readiness skills of
- 54 an eligible student.
- 55 (4) (a) "Eligible LEA" means an LEA that has a data system capacity to collect
- 56 longitudinal academic outcome data, including special education use by student, by identifying

57 each student with a statewide unique student identifier.

58 (b) "Eligible LEA" includes a program exempt from licensure under Subsection  
59 [26-39-403\(2\)\(c\)](#).

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

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

62 (ii) except as provided in Subsection (5)(b)(ii), is exempt from licensure under Section  
63 [26-39-403](#).

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

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

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

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

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

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

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

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

73 (ii) is an English learner.

74 (7) "Evaluation" means an evaluation conducted in accordance with Section  
75 [35A-15-303](#).

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

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

79 (b) meets the elements of a high quality school readiness program described in Section  
80 [35A-15-202](#).

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

85 (10) "Kindergarten assessment" means the kindergarten entry assessment described in  
86 Section [~~53F-2-507~~] [53G-7-203](#).

87 (11) "Kindergarten transition plan" means a plan that supports the smooth transition of

88 a preschool student to kindergarten and includes communication and alignment among the  
89 preschool, program, parents, and K-12 personnel.

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

91 (13) "Performance outcome measure" means:

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

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

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

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

97 (b) includes a performance outcome measure; and

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

100 (15) "Risk factor" means:

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

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

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

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

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

106 (f) having ever been in foster care;

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

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

109 (i) physical abuse or domestic violence;

110 (ii) substance abuse;

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

112 (iv) mental illness;

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

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

115 (16) "School readiness assessment" means the same as that term is defined in Section  
116 53E-4-314.

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

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

- 119           **53E-4-314. School readiness assessment.**
- 120           (1) As used in this section:
- 121           (a) "School readiness assessment" means a preschool entry and exit profile that
- 122 measures literacy, numeracy, and lifelong learning practices developed in a student.
- 123           (b) "School readiness program" means a preschool program:
- 124           (i) in which a student participates in the year before the student is expected to enroll in
- 125 kindergarten; and
- 126           (ii) that receives funding under Title 35A, Chapter 15, Preschool Programs.
- 127           (2) The state board shall develop a school readiness assessment that aligns with the
- 128 kindergarten entry and exit assessment described in Section [~~53F-2-507~~] [53G-7-203](#).
- 129           (3) A school readiness program shall:
- 130           (a) except as provided in Subsection (4), administer to each student who participates in
- 131 the school readiness program the school readiness assessment at the beginning and end of the
- 132 student's participation in the school readiness program; and
- 133           (b) report the results of the assessments described in Subsection (3)(a) or (4) to the
- 134 School Readiness Board created in Section [35A-15-201](#).
- 135           (4) In place of the assessments described in Subsection (3)(a), a school readiness
- 136 program that is offered through home-based technology may administer to each student who
- 137 participates in the school readiness program:
- 138           (a) a validated computer adaptive pre-assessment at the beginning of the student's
- 139 participation in the school readiness program; and
- 140           (b) a validated computer adaptive post-assessment at the end of the student's
- 141 participation in the school readiness program.
- 142           (5) (a) The following may submit school readiness assessment data to the School
- 143 Readiness Board created in Section [35A-15-201](#):
- 144           (i) a private child care provider; or
- 145           (ii) an LEA on behalf of a school that is not participating in the High Quality School
- 146 Readiness Grant Program described in Section [35A-15-301](#).
- 147           (b) If a private child care provider or LEA submits school readiness assessment data to
- 148 the School Readiness Board under Subsection (5)(a), the state board shall include the school
- 149 readiness assessment data in the report described in Subsection [35A-15-303](#)(5).

150 Section 3. Section 53E-7-402 is amended to read:

151 **53E-7-402. Special Needs Opportunity Scholarship Program.**

152 (1) There is established the Special Needs Opportunity Scholarship Program under  
153 which a parent may apply to a scholarship granting organization on behalf of the parent's  
154 student for a scholarship to help cover the cost of a scholarship expense.

155 (2) A scholarship granting organization shall:

156 (a) award, in accordance with this part, scholarships to eligible students; and

157 (b) determine the amount of a scholarship in accordance with Subsection (3).

158 (3) A scholarship granting organization shall determine a full-year scholarship award to  
159 pay for the cost of one or more scholarship expenses in an amount not more than:

160 (a) for an eligible student in grades 1 through 12 with an IEP, whose family income is:

161 (i) at or below 185% of the federal poverty level, the value of the weighted pupil unit  
162 multiplied by 2.5;

163 (ii) between 185% and 555% of the federal poverty level, the value of the weighted  
164 pupil unit multiplied by two;

165 (iii) above 555% of the federal poverty level, the value of the weighted pupil unit  
166 multiplied by 1.5;

167 (b) for a fiscal year beginning before July 1, 2025:

168 [~~(b)~~] (i) for an eligible student in grades 1 through 12 who does not have an IEP, the  
169 value of the weighted pupil unit;

170 [~~(c)~~] (ii) for an eligible student in kindergarten with an IEP, the value of the weighted  
171 pupil unit; or

172 [~~(d)~~] (iii) for an eligible student in kindergarten who does not have an IEP, half the  
173 value of the weighted pupil unit~~[-];~~ or

174 (c) for a fiscal year beginning after July 1, 2025, for an eligible student in kindergarten  
175 or grades 1 through 12, the value of the weighted pupil unit.

176 (4) The state board shall prepare and disseminate to a scholarship granting organization  
177 for distribution to a parent applying for a scholarship on behalf of a student:

178 (a) information on the program; and

179 (b) information on how a parent may enroll the parent's child in a public school.

180 (5) A scholarship granting organization shall distribute the information described in

181 Subsection (4) to a parent who applies to the scholarship granting organization for a  
182 scholarship on behalf of the parent's student.

183 Section 4. Section **53F-2-302** is amended to read:

184 **53F-2-302. Determination of weighted pupil units.**

185 (1) The number of weighted pupil units in the Minimum School Program for each year  
186 is the total of the units for each school district and, subject to Subsection [(4)] (5), charter  
187 school, determined [as follows:] in accordance with this section.

188 [(4)] (2) The number of units is computed by adding the average daily membership of  
189 all pupils of the school district or charter school attending schools, other than kindergarten and  
190 self-contained classes for children with a disability.

191 [(2)] (3) (a) The number of units is computed by:

192 (i) for a fiscal year beginning before July 1, 2025, adding the average daily membership  
193 of all pupils of the school district or charter school enrolled in kindergarten and multiplying the  
194 total by .55[-]; and

195 (ii) for a fiscal year beginning on or after July 1, 2025, adding the average daily  
196 membership of all pupils of the school district or charter school enrolled in kindergarten.

197 [(a)] (b) In those school districts or charter schools that do not hold kindergarten for a  
198 full nine-month term, the local school board or charter school governing board may approve a  
199 shorter term of nine weeks' duration.

200 [(b)] (c) Upon LEA governing board approval, the number of pupils in average daily  
201 membership at the short-term kindergarten shall be counted for the purpose of determining the  
202 number of units allowed in the same ratio as the number of days the short-term kindergarten is  
203 held, not exceeding nine weeks, compared to the total number of days schools are held in that  
204 school district or charter school in the regular school year.

205 [(3)] (4) (a) The state board shall use prior year plus growth to determine average daily  
206 membership in distributing money under the Minimum School Program where the distribution  
207 is based on kindergarten through grade 12 ADMs or weighted pupil units.

208 (b) Under prior year plus growth, kindergarten through grade 12 average daily  
209 membership for the current year is based on the actual kindergarten through grade 12 average  
210 daily membership for the previous year plus an estimated percentage growth factor.

211 (c) The growth factor is the percentage increase in total average daily membership on

212 the first school day of October in the current year as compared to the total average daily  
213 membership on the first school day of October of the previous year.

214 ~~[(4)]~~ (5) In distributing funds to charter schools under this section, charter school  
215 pupils shall be weighted, where applicable, as follows:

216 (a) (i) for a fiscal year beginning before July 1, 2025:

217 ~~[(a)]~~ (A) .55 for kindergarten pupils; and

218 ~~[(b)]~~ (B) .9 for pupils in grades 1 through 6; and

219 (ii) for a fiscal year beginning on or after July 1, 2025, .9 for pupils in kindergarten and  
220 grades 1 through 6;

221 ~~[(c)]~~ (b) .99 for pupils in grades 7 through 8; and

222 ~~[(d)]~~ (c) 1.2 for pupils in grades 9 through 12.

223 ~~[(5)]~~ (6) Notwithstanding Subsection ~~[(3)]~~ (4)(c):

224 (a) for the 2020-2021 school year the state board may use a count of average daily  
225 membership on any day or days of the current school year in 2020 to calculate a growth factor  
226 for the 2020-2021 school year; and

227 (b) when calculating the growth factor as described in Subsection ~~[(5)]~~ (6)(a), the state  
228 board shall comply with all applicable federal requirements.

229 Section 5. Section **53F-2-302.1** is amended to read:

230 **53F-2-302.1. Enrollment Growth Contingency Program.**

231 (1) As used in this section:

232 (a) "Program funds" means money appropriated under the Enrollment Growth  
233 Contingency Program.

234 (b) "Student enrollment count" means the enrollment count on the first school day of  
235 October, as described in Subsection ~~[53F-2-302(3)]~~ 53F-2-302(4).

236 (2) There is created the Enrollment Growth Contingency Program to mitigate funding  
237 impacts on an LEA resulting from student enrollment irregularities during fiscal years 2021  
238 and 2022.

239 (3) Subject to legislative appropriations, the state board, in consultation with the Office  
240 of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget, shall use  
241 program funds to:

242 (a) for fiscal years 2021 and 2022 and for an LEA that has declining enrollment, pay



243 costs associated with Subsection [~~53F-2-302(3)~~] 53F-2-302(4) to hold LEA funding  
244 distributions at the prior year's average daily membership; and

245 (b) for fiscal year 2022, fund ongoing impacts of student enrollment changes in the  
246 2021-2022 academic year, including:

247 (i) assigning additional weighted pupil units to an LEA experiencing a net growth in  
248 weighted pupil units over the fiscal year 2022 base allocations associated with student  
249 enrollment increases following the student enrollment count;

250 (ii) at the request of an LEA that experienced a significant decline in student  
251 enrollment during the 2020-2021 academic year, pre-fund significantly higher anticipated  
252 student enrollment growth before the student enrollment count; and

253 (iii) with any remaining weighted pupil units, pay other weighted pupil unit related  
254 costs in accordance with Section 53F-2-205.

255 (4) If the state board pre-funds anticipated student enrollment growth under Subsection  
256 (3)(b)(ii), the state board shall:

257 (a) verify the LEA's enrollment after the student enrollment count; and

258 (b) balance funds as necessary based on the actual increase in student enrollment.

259 Section 6. Section **53F-2-507** is amended to read:

260 **53F-2-507. Enhanced kindergarten early intervention program.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

286 (ii) multiplying the result by 20; and

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

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

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

293 ~~[(5) (a) The state board shall:]~~

294 ~~[(i) develop and collect data from kindergarten entry and exit assessments; and]~~

295 ~~[(ii) make rules regarding the administration of and reporting regarding the  
296 assessments.]~~

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

299 ~~[(6) For an LEA that receives funds under Subsection (4):]~~

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

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

305 Section 7. Section **53F-4-304** is amended to read:

306 **53F-4-304. Scholarship payments.**

307 (1) (a) The state board shall award scholarships subject to the availability of money  
308 appropriated by the Legislature for that purpose.

309 (b) The Legislature shall annually appropriate money to the state board from the  
310 General Fund to make scholarship payments.

311 (c) The Legislature shall annually increase the amount of money appropriated under  
312 Subsection (1)(b) by an amount equal to the product of:

313 (i) the average scholarship amount awarded as of December 1 in the previous year; and

314 (ii) the product of:

315 (A) the number of students in preschool through grade 12 in public schools statewide  
316 who have an IEP on December 1 of the previous year; and

317 (B) 0.0007.

318 (d) If the number of scholarship students as of December 1 in any school year equals or  
319 exceeds 7% of the number of students in preschool through grade 12 in public schools  
320 statewide who have an IEP as of December 1 in the same school year, the Public Education  
321 Appropriations Subcommittee shall study the requirement to increase appropriations for  
322 scholarship payments as provided in this section.

323 (e) (i) If money is not available to pay for all scholarships requested, the state board  
324 shall allocate scholarships on a random basis except that the state board shall give preference to  
325 students who received scholarships in the previous school year.

326 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,  
327 the state board may not award new scholarships during that school year and the state board  
328 shall prorate money available for scholarships among the eligible students who received  
329 scholarships in the previous year.

330 (2) Except as provided in Subsection (4), the state board shall award full-year  
331 scholarships in the following amounts:

332 (a) for a student who received an average of 180 minutes per day or more of special  
333 education services in a public school before transferring to a private school, an amount not to  
334 exceed the lesser of:

335 (i) the value of the weighted pupil unit multiplied by 2.5; or

336 (ii) the private school tuition and fees; and  
337 (b) for a student who received an average of less than 180 minutes per day of special  
338 education services in a public school before transferring to a private school, an amount not to  
339 exceed the lesser of:

340 (i) the value of the weighted pupil unit multiplied by 1.5; or  
341 (ii) the private school tuition and fees.

342 (3) The scholarship amount for a student enrolled in a half-day kindergarten during a  
343 fiscal year beginning on or after July 1, 2025, or a part-day preschool program, shall be the  
344 amount specified in Subsection (2)(a) or (b) multiplied by .55.

345 (4) If a student leaves a private school before the end of a fiscal quarter:

346 (a) the private school is only entitled to the amount of scholarship equivalent to the  
347 number of days that the student attended the private school; and

348 (b) the private school shall remit a prorated amount of the scholarship to the state board  
349 in accordance with the procedures described in rules adopted by the state board in accordance  
350 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

351 (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:

352 (a) make the amount available to the student to enroll immediately in another  
353 qualifying private school; or

354 (b) refund the amount back to the Carson Smith Scholarship Program account to be  
355 available to support the costs of another scholarship.

356 (6) (a) The state board shall make an additional allocation on a random basis before  
357 June 30 each year only:

358 (i) if there are sufficient remaining funds in the program; and

359 (ii) for scholarships for students enrolled in a full-day preschool program.

360 (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship  
361 amount or supplement may not exceed the lesser of:

362 (i) the value of the weighted pupil unit multiplied by 1.0; or

363 (ii) the private school tuition and fees.

364 (c) The state board shall, when preparing annual growth projection numbers for the  
365 Legislature, include the annual number of applications for additional allocations described in  
366 Subsection (6)(a).

367 (7) (a) The scholarship amount for a student who receives a waiver under Subsection  
368 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level  
369 of special education services to be provided to the student.

370 (b) (i) If the student requires an average of 180 minutes per day or more of special  
371 education services, a full-year scholarship shall be equal to the amount specified in Subsection  
372 (2)(a).

373 (ii) If the student requires less than an average of 180 minutes per day of special  
374 education services, a full-year scholarship shall be equal to the amount specified in Subsection  
375 (2)(b).

376 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,  
377 a full-year scholarship is equal to the amount specified in Subsection (3).

378 (8) (a) Except as provided in Subsection (8)(b), upon review and receipt of  
379 documentation that verifies a student's admission to, or continuing enrollment and attendance  
380 at, a private school, the state board shall make scholarship payments quarterly in four equal  
381 amounts in each school year in which a scholarship is in force.

382 (b) In accordance with state board rule, made in accordance with Title 63G, Chapter 3,  
383 Utah Administrative Rulemaking Act, the state board may make a scholarship payment before  
384 the first quarterly payment of the school year, if a private school requires partial payment of  
385 tuition before the start of the school year to reserve space for a student admitted to the school.

386 (9) A parent of a scholarship student shall notify the state board if the student does not  
387 have continuing enrollment and attendance at an eligible private school.

388 (10) Before scholarship payments are made, the state board shall cross-check  
389 enrollment lists of scholarship students, LEAs, and youth in custody to ensure that scholarship  
390 payments are not erroneously made.

391 Section 8. Section 53F-4-401 is amended to read:

392 **53F-4-401. Definitions.**

393 As used in this part:

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

396 (2) "Intergenerational poverty" means the same as that term is defined in Section  
397 35A-9-102.

- 398 (3) "Preschool child" means a child who is:  
399 (a) (i) four or five years old; and  
400 (ii) not eligible for enrollment under Subsection 53G-4-402(6); or  
401 (b) in the 2021-2022 or 2022-2023 school year, eligible for enrollment in kindergarten  
402 or enrolled in kindergarten.
- 403 (4) (a) "Private preschool provider" means a child care program that:  
404 (i) (A) is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or  
405 (B) except as provided in Subsection (4)(b)(ii), is exempt from licensure under Section  
406 26-39-403; and  
407 (ii) meets other criteria as established by the state board, consistent with Utah  
408 Constitution, Article X, Section 1.
- 409 (b) "Private preschool provider" does not include:  
410 (i) a residential certificate provider described in Section 26-39-402; or  
411 (ii) a program exempt from licensure under Subsection 26-39-403(2)(c).
- 412 (5) "Public preschool" means a preschool program that is provided by a school district  
413 or charter school.
- 414 (6) "Qualifying participant" means a preschool child who:  
415 (a) resides within the boundaries of a qualifying school as determined under Section  
416 53G-6-302; or  
417 (b) is enrolled in a qualifying preschool.
- 418 (7) "Qualifying preschool" means a public preschool or private preschool provider that:  
419 (a) serves preschool children covered by child care subsidies funded by the Child Care  
420 and Development Block Grant Program authorized under 42 U.S.C. Secs. 9857-9858r;  
421 (b) participates in a federally assisted meal program that provides funds to licensed  
422 child care centers as authorized under Section 53E-3-501; or  
423 (c) is located within the boundaries of a qualifying school.
- 424 (8) "Qualifying school" means a school district elementary school that:  
425 (a) has at least 50% of students who were eligible to receive free or reduced lunch the  
426 previous school year;  
427 (b) is a school with a high percentage, as determined by the Department of Workforce  
428 Services through rule and based on the previous school year enrollments, of students

429 experiencing intergenerational poverty; or

430 (c) is located in one of the following school districts:

- 431 (i) Beaver School District;
- 432 (ii) Carbon School District;
- 433 (iii) Daggett School District;
- 434 (iv) Duchesne School District;
- 435 (v) Emery School District;
- 436 (vi) Garfield School District;
- 437 (vii) Grand School District;
- 438 (viii) Iron School District;
- 439 (ix) Juab School District;
- 440 (x) Kane School District;
- 441 (xi) Millard School District;
- 442 (xii) Morgan School District;
- 443 (xiii) North Sanpete School District;
- 444 (xiv) North Summit School District;
- 445 (xv) Piute School District;
- 446 (xvi) Rich School District;
- 447 (xvii) San Juan School District;
- 448 (xviii) Sevier School District;
- 449 (xix) South Sanpete School District;
- 450 (xx) South Summit School District;
- 451 (xxi) Tintic School District;
- 452 (xxii) Uintah School District; or
- 453 (xxiii) Wayne School District.

454 (9) "UPSTART" means the project established by Section [53F-4-402](#) that uses a  
455 home-based educational technology program to develop school readiness skills of preschool  
456 children.

457 Section 9. Section **53F-4-406** is amended to read:

458 **53F-4-406. Audit and evaluation.**

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

- 460 (a) conduct an audit of the contractor's use of funds for UPSTART; or
- 461 (b) contract with an independent certified public accountant to conduct an audit.
- 462 (2) The state board shall:
  - 463 (a) require by contract that the contractor will open its books and records relating to its
  - 464 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;
  - 465 (b) reimburse the state auditor for the actual and necessary costs of the audit; and
  - 466 (c) contract with an independent, qualified evaluator, selected through a request for
  - 467 proposals process, to evaluate the home-based educational technology program for preschool
  - 468 children.
- 469 (3) The evaluator described in Subsection (2)(c) shall use, among other indicators,
- 470 assessment scores from an assessment described in Section ~~[53F-2-507]~~ 53G-7-203 to evaluate
- 471 whether the contractor has effectively prepared preschool children for academic success as
- 472 described in Section 53F-4-402.
- 473 (4) Of the money appropriated by the Legislature for UPSTART, excluding funds used
- 474 to provide computers, peripheral equipment, and Internet service to families, no more than
- 475 7.5% of the appropriation not to exceed \$600,000 may be used for the evaluation and
- 476 administration of the program.

477 Section 10. Section 53G-7-203 is amended to read:

478 **53G-7-203. Kindergartens -- Establishment -- Funding -- Assessment.**

479 (1) Kindergartens are an integral part of the state's public education system.

480 (2) (a) Each ~~[local school]~~ LEA governing board shall provide kindergarten classes

481 free of charge for kindergarten children;

482 (i) for a school district, residing within the district[?]; or

483 (ii) for a charter school, enrolled in the charter school.

484 (b) Beginning July 1, 2025, each LEA governing board shall provide kindergarten

485 classes lasting the full school day.

486 (c) Nothing in this Subsection (2):

487 (i) allows an LEA governing board to require a student to participate in a full-day

488 kindergarten program;

489 (ii) modifies the non-compulsory status of kindergarten under Title 53G, Chapter 6,

490 Part 2, Compulsory Education; or



491 (iii) requires a student who only attends a half-day of kindergarten to participate in dual  
492 enrollment under Section 53G-6-702.

493 (3) Kindergartens established under Subsection (2) shall receive state money under  
494 Title 53F, Public Education System -- Funding.

495 (4) (a) The state board shall:

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

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

498 (b) An LEA shall:

499 (i) administer the entry and exit assessments described in Subsection (4)(a) to each  
500 kindergarten student; and

501 (ii) report to the state board the results of the entry and exit assessments described in  
502 Subsection (4)(b)(i) in relation to each kindergarten student in the LEA.

503 (5) The state board shall:

504 (a) establish a standard for the type of class that would constitute a full-day  
505 kindergarten class for purposes of the reporting described in Subsection (5)(b); and

506 (b) require LEAs to report average daily membership for all kindergarten students  
507 under the standard described in Subsection (5)(a) for the 2022-2023, 2023-2024, and  
508 2024-2025 school years with the October 1 data described in Section 53F-2-302.

509 Section 11. Section **63I-2-253** is amended to read:

510 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

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

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

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

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

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

521 (b) When repealing Subsection **53B-2a-108(5)**, the Office of Legislative Research and

522 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make  
523 necessary changes to subsection numbering and cross references.

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

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

527 (b) Subsection 53B-7-705(6)(b)(iii)(B), regarding comparing a technical college's  
528 change in performance with the technical college's average performance, is repealed July 1,  
529 2021.

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

532 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college  
533 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

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

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

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

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

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

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

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

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

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

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

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

549 (15) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed July 1,  
550 2024.

551 (16) In Subsections 53F-2-205(4) and (5), regarding the State Board of Education's  
552 duties if contributions from the minimum basic tax rate are overestimated or underestimated,

553 the language that states "or [53F-2-301.5](#), as applicable" is repealed July 1, 2023.

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

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

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

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

562 (21) Section [53F-2-418](#), regarding the Supplemental Educator COVID-19 Stipend, is  
563 repealed January 1, 2022.

564 (22) Section [53F-2-507](#), regarding an optional enhanced kindergarten intervention  
565 program, is repealed July 1, 2025.

566 [~~22~~] (23) In Subsection [53F-2-515\(1\)](#), the language that states "or [53F-2-301.5](#), as  
567 applicable" is repealed July 1, 2023.

568 [~~23~~] (24) Section [53F-4-207](#) is repealed July 1, 2022.

569 [~~24~~] (25) Subsection [53F-4-401\(3\)\(b\)](#), regarding a child enrolled or eligible for  
570 enrollment in kindergarten, is repealed July 1, 2022.

571 [~~25~~] (26) In Subsection [53F-4-404\(4\)\(c\)](#), the language that states "Except as provided  
572 in Subsection (4)(d)" is repealed July 1, 2022.

573 [~~26~~] (27) Subsection [53F-4-404\(4\)\(d\)](#) is repealed July 1, 2022.

574 [~~27~~] (28) In Subsection [53F-9-302\(3\)](#), the language that states "or [53F-2-301.5](#), as  
575 applicable" is repealed July 1, 2023.

576 [~~28~~] (29) In Subsection [53F-9-305\(3\)\(a\)](#), the language that states "or [53F-2-301.5](#), as  
577 applicable" is repealed July 1, 2023.

578 [~~29~~] (30) In Subsection [53F-9-306\(3\)\(a\)](#), the language that states "or [53F-2-301.5](#), as  
579 applicable" is repealed July 1, 2023.

580 [~~30~~] (31) In Subsection [53G-3-304\(1\)\(c\)\(i\)](#), the language that states "or [53F-2-301.5](#),  
581 as applicable" is repealed July 1, 2023.

582 [~~31~~] (32) Subsections [53G-10-204\(1\)\(c\)](#) through (e), and Subsection [53G-10-204\(6\)](#),  
583 related to the civics engagement pilot program, are repealed on July 1, 2023.

584 [~~32~~] (33) On July 1, 2023, when making changes in this section, the Office of  
585 Legislative Research and General Counsel shall, in addition to the office's authority under  
586 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections  
587 identified in this section are complete sentences and accurately reflect the office's perception of  
588 the Legislature's intent.

589 Section 12. **Appropriation.**

590 The following sums of money are appropriated for the fiscal year beginning July 1,  
591 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
592 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
593 Act, the Legislature appropriates the following sums of money from the funds or accounts  
594 indicated for the use and support of the government of the state of Utah.

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

597 From Uniform School Fund \$47,735,300

598 From Uniform School Fund, One-time (\$24,735,500)

599 Schedule of Programs:

600 Early Intervention \$23,000,000

601 The Legislature intends that in preparing base budget bills for fiscal the fiscal year  
602 beginning July 1, 2023, the Executive Appropriations Committee decrease appropriations  
603 one-time from the Uniform School Fund to the Early Intervention program by \$12,000,000.