

Representative Steve Waldrip proposes the following substitute bill:

1 **FULL-DAY KINDERGARTEN**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Waldrip**

5 Senate Sponsor: Ann Millner

6 Cosponsors: Mike Winder

7 Suzanne Harrison

8
9 **LONG TITLE**

10 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ amends provisions related to scholarship amounts tied to the length of a
16 kindergarten class;
- 17 ▶ amends funding formulas related to kindergarten to reflect a full-day length of a
18 kindergarten class;
- 19 ▶ requires local school boards to provide optional full-day kindergarten classes;
- 20 ▶ clarifies that kindergarten remains optional;
- 21 ▶ establishes a repeal date for an optional expanded kindergarten grant program;
- 22 ▶ relocates a requirement for kindergarten entry and exit assessments from the
23 optional expanded kindergarten grant program;
- 24 ▶ amends a definition and school year provisions in relation to a preschool reading



25 program; and

26 ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**

28 This bill appropriates in fiscal year 2023:

- 29 ▶ to the Minimum School Program - Related to Basic School Programs:
- 30 • From the Uniform School Fund, \$47,735,300; and
- 31 • From the Uniform School Fund, One-time, (\$24,735,300).

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **35A-15-102**, as last amended by Laws of Utah 2020, Chapter 171
- 37 **53E-4-314**, as last amended by Laws of Utah 2020, Chapter 171
- 38 **53E-7-402**, as enacted by Laws of Utah 2020, Fourth Special Session, Chapter 3
- 39 **53F-2-302**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 9
- 40 **53F-2-302.1**, as enacted by Laws of Utah 2021, Chapter 6
- 41 **53F-2-507**, as last amended by Laws of Utah 2020, Chapter 171
- 42 **53F-4-304**, as last amended by Laws of Utah 2020, Chapter 408
- 43 **53F-4-401**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14
- 44 **53F-4-404**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14
- 45 **53F-4-406**, as last amended by Laws of Utah 2020, Chapter 171
- 46 **53G-7-203**, as last amended by Laws of Utah 2019, Chapter 293
- 47 **63I-2-253**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14



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

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

51 **35A-15-102. Definitions.**

52 As used in this chapter:

- 53 (1) "Board" means the School Readiness Board, created in Section **35A-15-201**.
- 54 (2) "Economically disadvantaged" means to be eligible to receive free or reduced price
- 55 lunch.

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

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

62 (b) "Eligible LEA" includes a program exempt from licensure under Subsection
63 26-39-403(2)(c).

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

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

66 (ii) except as provided in Subsection (5)(b)(ii), is exempt from licensure under Section
67 26-39-403.

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

69 (i) residential child care, as defined in Section 26-39-102; or

70 (ii) a program exempt from licensure under Subsection 26-39-403(2)(c).

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

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

73 (ii) is not eligible for enrollment under Subsection 53G-4-402(6); and

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

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

77 (ii) is an English learner.

78 (7) "Evaluation" means an evaluation conducted in accordance with Section

79 35A-15-303.

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

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

83 (b) meets the elements of a high quality school readiness program described in Section
84 35A-15-202.

85 (9) "Investor" means a person that enters into a results-based contract to provide

86 funding to a high quality school readiness program on the condition that the person will receive

87 payment in accordance with Section [35A-15-402](#) if the high quality school readiness program
88 meets the performance outcome measures included in the results-based contract.

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

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

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

95 (13) "Performance outcome measure" means:

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

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

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

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

101 (b) includes a performance outcome measure; and

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

104 (15) "Risk factor" means:

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

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

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

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

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

110 (f) having ever been in foster care;

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

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

113 (i) physical abuse or domestic violence;

114 (ii) substance abuse;

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

116 (iv) mental illness;

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

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

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

151 (b) If a private child care provider or LEA submits school readiness assessment data to
152 the School Readiness Board under Subsection (5)(a), the state board shall include the school
153 readiness assessment data in the report described in Subsection 35A-15-303(5).

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

155 **53E-7-402. Special Needs Opportunity Scholarship Program.**

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

159 (2) A scholarship granting organization shall:

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

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

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

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

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

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

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

171 (b) for a fiscal year beginning before July 1, 2024:

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

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

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

178 (c) for a fiscal year beginning after July 1, 2024, for an eligible student in kindergarten
179 or grades 1 through 12, the value of the weighted pupil unit.

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

182 (a) information on the program; and

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

184 (5) A scholarship granting organization shall distribute the information described in
185 Subsection (4) to a parent who applies to the scholarship granting organization for a
186 scholarship on behalf of the parent's student.

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

188 **53F-2-302. Determination of weighted pupil units.**

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

192 [~~(1)~~] (2) The number of units is computed by adding the average daily membership of
193 all pupils of the school district or charter school attending schools, other than kindergarten and
194 self-contained classes for children with a disability.

195 [~~(2)~~] (3) (a) The number of units is computed by:

196 (i) for a fiscal year beginning before July 1, 2024, adding the average daily membership
197 of all pupils of the school district or charter school enrolled in kindergarten and multiplying the
198 total by .55[-]; and

199 (ii) for a fiscal year beginning on or after July 1, 2024, adding the average daily
200 membership of all pupils of the school district or charter school enrolled in kindergarten.

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

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

209 [~~(3)~~] (4) (a) The state board shall use prior year plus growth to determine average daily
210 membership in distributing money under the Minimum School Program where the distribution

211 is based on kindergarten through grade 12 ADMs or weighted pupil units.

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

215 (c) The growth factor is the percentage increase in total average daily membership on
216 the first school day of October in the current year as compared to the total average daily
217 membership on the first school day of October of the previous year.

218 ~~[(4)]~~ (5) In distributing funds to charter schools under this section, charter school
219 pupils shall be weighted, where applicable, as follows:

220 (a) (i) for a fiscal year beginning before July 1, 2024:

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

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

223 (ii) for a fiscal year beginning on or after July 1, 2024, .9 for pupils in kindergarten and
224 grades 1 through 6;

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

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

227 ~~[(5)]~~ (6) Notwithstanding Subsection ~~[(3)]~~ (4)(c):

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

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

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

234 **53F-2-302.1. Enrollment Growth Contingency Program.**

235 (1) As used in this section:

236 (a) "Program funds" means money appropriated under the Enrollment Growth
237 Contingency Program.

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

240 (2) There is created the Enrollment Growth Contingency Program to mitigate funding
241 impacts on an LEA resulting from student enrollment irregularities during fiscal years 2021

242 and 2022.

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

246 (a) for fiscal years 2021 and 2022 and for an LEA that has declining enrollment, pay
247 costs associated with Subsection [~~53F-2-302(3)~~] 53F-2-302(4) to hold LEA funding
248 distributions at the prior year's average daily membership; and

249 (b) for fiscal year 2022, fund ongoing impacts of student enrollment changes in the
250 2021-2022 academic year, including:

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

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

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

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

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

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

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

264 **53F-2-507. Enhanced kindergarten early intervention program.**

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

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

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

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

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

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

276 (3) An LEA governing board may not require a student to participate in an enhanced

277 kindergarten program described in Subsection (2).

278 (4) ~~[Subject to Subsection (6), the]~~ The state board shall distribute funds appropriated

279 under this section for an enhanced kindergarten program described in Subsection (2) as

280 follows:

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

282 (A) dividing the number of charter school students by the total number of students in

283 the public education system in the prior school year; and

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

285 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter

286 schools with the greatest need for an enhanced kindergarten program, as determined by the

287 state board in consultation with the State Charter School Board;

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

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

290 (ii) multiplying the result by 20; and

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

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

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

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

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

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

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

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

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

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

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

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

310 **53F-4-304. Scholarship payments.**

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

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

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

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

318 (ii) the product of:

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

321 (B) 0.0007.

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

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

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

334 (2) Except as provided in Subsection (4), the state board shall award full-year

335 scholarships in the following amounts:

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

- 339 (i) the value of the weighted pupil unit multiplied by 2.5; or
- 340 (ii) the private school tuition and fees; and

341 (b) for a student who received an average of less than 180 minutes per day of special
342 education services in a public school before transferring to a private school, an amount not to
343 exceed the lesser of:

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

346 (3) The scholarship amount for a student enrolled in a half-day kindergarten during a
347 fiscal year beginning on or after July 1, 2024, or a part-day preschool program, shall be the
348 amount specified in Subsection (2)(a) or (b) multiplied by .55.

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

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

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

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

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

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

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

- 362 (i) if there are sufficient remaining funds in the program; and
- 363 (ii) for scholarships for students enrolled in a full-day preschool program.

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

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

367 (ii) the private school tuition and fees.

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

371 (7) (a) The scholarship amount for a student who receives a waiver under Subsection
372 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level
373 of special education services to be provided to the student.

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

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

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

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

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

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

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

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

396 **53F-4-401. Definitions.**

397 As used in this part:

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

400 (2) "Intergenerational poverty" means the same as that term is defined in Section
401 35A-9-102.

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

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

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

405 (b) in the 2021-2022 or 2022-2023 school year, eligible for enrollment in kindergarten
406 or enrolled in kindergarten.

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

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

409 (B) except as provided in Subsection (4)(b)(ii), is exempt from licensure under Section
410 26-39-403; and

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

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

414 (i) a residential certificate provider described in Section 26-39-402; or

415 (ii) a program exempt from licensure under Subsection 26-39-403(2)(c).

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

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

419 (a) resides within the boundaries of a qualifying school as determined under Section
420 53G-6-302; or

421 (b) is enrolled in a qualifying preschool.

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

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

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

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

- 428 (8) "Qualifying school" means a school district elementary school that:
- 429 (a) has at least 50% of students who were eligible to receive free or reduced lunch the
- 430 previous school year;
- 431 (b) is a school with a high percentage, as determined by the Department of Workforce
- 432 Services through rule and based on the previous school year enrollments, of students
- 433 experiencing intergenerational poverty; or
- 434 (c) is located in one of the following school districts:
- 435 (i) Beaver School District;
- 436 (ii) Carbon School District;
- 437 (iii) Daggett School District;
- 438 (iv) Duchesne School District;
- 439 (v) Emery School District;
- 440 (vi) Garfield School District;
- 441 (vii) Grand School District;
- 442 (viii) Iron School District;
- 443 (ix) Juab School District;
- 444 (x) Kane School District;
- 445 (xi) Millard School District;
- 446 (xii) Morgan School District;
- 447 (xiii) North Sanpete School District;
- 448 (xiv) North Summit School District;
- 449 (xv) Piute School District;
- 450 (xvi) Rich School District;
- 451 (xvii) San Juan School District;
- 452 (xviii) Sevier School District;
- 453 (xix) South Sanpete School District;
- 454 (xx) South Summit School District;
- 455 (xxi) Tintic School District;
- 456 (xxii) Uintah School District; or
- 457 (xxiii) Wayne School District.
- 458 (9) "UPSTART" means the project established by Section [53F-4-402](#) that uses a

459 home-based educational technology program to develop school readiness skills of preschool
460 children.

461 Section 9. Section **53F-4-404** is amended to read:

462 **53F-4-404. Family participation in UPSTART -- Priority enrollment.**

463 (1) The contractor shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

493 (d) Subsection (4)(c) does not apply to a preschool child who, in the 2021-2022 or
494 2022-2023 school year:

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

496 (ii) is enrolled in kindergarten.

497 Section 10. Section **53F-4-406** is amended to read:

498 **53F-4-406. Audit and evaluation.**

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

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

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

502 (2) The state board shall:

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

505 (b) reimburse the state auditor for the actual and necessary costs of the audit; and

506 (c) contract with an independent, qualified evaluator, selected through a request for
507 proposals process, to evaluate the home-based educational technology program for preschool
508 children.

509 (3) The evaluator described in Subsection (2)(c) shall use, among other indicators,
510 assessment scores from an assessment described in Section [~~53F-2-507~~] 53G-7-203 to evaluate
511 whether the contractor has effectively prepared preschool children for academic success as
512 described in Section 53F-4-402.

513 (4) Of the money appropriated by the Legislature for UPSTART, excluding funds used
514 to provide computers, peripheral equipment, and Internet service to families, no more than
515 7.5% of the appropriation not to exceed \$600,000 may be used for the evaluation and
516 administration of the program.

517 Section 11. Section **53G-7-203** is amended to read:

518 **53G-7-203. Kindergartens -- Establishment -- Funding -- Assessment.**

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

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

521 free of charge for kindergarten children:

522 (i) for a school district, residing within the district[-]; or

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

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

525 classes lasting the full school day.

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

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

528 kindergarten program;

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

530 Part 2, Compulsory Education; or

531 (iii) requires a student who only attends a half-day of kindergarten to participate in dual

532 enrollment under Section [53G-6-702](#).

533 (3) Kindertartens established under Subsection (2) shall receive state money under
534 Title 53F, Public Education System -- Funding.

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

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

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

538 (b) An LEA shall:

539 (i) administer the entry and exit assessments described in Subsection (4)(a) to each

540 kindergarten student; and

541 (ii) report to the state board the results of the entry and exit assessments described in

542 Subsection (4)(b)(i) in relation to each kindergarten student in the LEA.

543 (5) The state board shall:

544 (a) establish a standard for the type of class that would constitute a full-day

545 kindergarten class for purposes of the reporting described in Subsection (5)(b); and

546 (b) require LEAs to report average daily membership for all kindergarten students

547 under the standard described in Subsection (5)(a) for the 2022-2023, 2023-2024, and

548 2024-2025 school years with the October 1 data described in Section [53F-2-302](#).

549 Section 12. Section **63I-2-253** is amended to read:

550 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

551 (1) Section [53-1-106.1](#) is repealed January 1, 2022.

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

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

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

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

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

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

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

567 (b) Subsection 53B-7-705(6)(b)(iii)(B), regarding comparing a technical college's
568 change in performance with the technical college's average performance, is repealed July 1,
569 2021.

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

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

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

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

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

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

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

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

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

- 583 (11) Section [53B-10-101](#) is repealed on July 1, 2027.
- 584 (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
585 repealed July 1, 2023.
- 586 (13) Section [53E-1-202.2](#), regarding a Public Education Appropriations Subcommittee
587 evaluation and recommendations, is repealed January 1, 2024.
- 588 (14) Section [53E-3-520](#) is repealed July 1, 2021.
- 589 (15) Subsection [53E-10-309\(7\)](#), related to the PRIME pilot program, is repealed July 1,
590 2024.
- 591 (16) In Subsections [53F-2-205\(4\)](#) and (5), regarding the State Board of Education's
592 duties if contributions from the minimum basic tax rate are overestimated or underestimated,
593 the language that states "or [53F-2-301.5](#), as applicable" is repealed July 1, 2023.
- 594 (17) Section [53F-2-209](#), regarding local education agency budgetary flexibility, is
595 repealed July 1, 2024.
- 596 (18) Subsection [53F-2-301\(1\)](#), relating to the years the section is not in effect, is
597 repealed July 1, 2023.
- 598 (19) Section [53F-2-302.1](#), regarding the Enrollment Growth Contingency Program, is
599 repealed July 1, 2023.
- 600 (20) Subsection [53F-2-314\(4\)](#), relating to a one-time expenditure between the at-risk
601 WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.
- 602 (21) Section [53F-2-418](#), regarding the Supplemental Educator COVID-19 Stipend, is
603 repealed January 1, 2022.
- 604 (22) Section [53F-2-507](#), regarding an optional enhanced kindergarten intervention
605 program, is repealed July 1, 2024.
- 606 [~~(22)~~] (23) In Subsection [53F-2-515\(1\)](#), the language that states "or [53F-2-301.5](#), as
607 applicable" is repealed July 1, 2023.
- 608 [~~(23)~~] (24) Section [53F-4-207](#) is repealed July 1, 2022.
- 609 [~~(24)~~] (25) Subsection [53F-4-401\(3\)\(b\)](#), regarding a child enrolled or eligible for
610 enrollment in kindergarten, is repealed July 1, 2022.
- 611 [~~(25)~~] (26) In Subsection [53F-4-404\(4\)\(c\)](#), the language that states "Except as provided
612 in Subsection (4)(d)" is repealed July 1, 2022.
- 613 [~~(26)~~] (27) Subsection [53F-4-404\(4\)\(d\)](#) is repealed July 1, 2022.

614 [~~27~~] (28) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
615 applicable" is repealed July 1, 2023.

616 [~~28~~] (29) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
617 applicable" is repealed July 1, 2023.

618 [~~29~~] (30) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
619 applicable" is repealed July 1, 2023.

620 [~~30~~] (31) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
621 as applicable" is repealed July 1, 2023.

622 [~~31~~] (32) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(6),
623 related to the civics engagement pilot program, are repealed on July 1, 2023.

624 [~~32~~] (33) On July 1, 2023, when making changes in this section, the Office of
625 Legislative Research and General Counsel shall, in addition to the office's authority under
626 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
627 identified in this section are complete sentences and accurately reflect the office's perception of
628 the Legislature's intent.

629 Section 13. **Appropriation.**

630 The following sums of money are appropriated for the fiscal year beginning July 1,
631 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
632 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
633 Act, the Legislature appropriates the following sums of money from the funds or accounts
634 indicated for the use and support of the government of the state of Utah.

635 To State Board of Education - Minimum School Program - Related to Basic School
636 Program

637	<u>From Uniform School Fund</u>	<u>\$47,735,300</u>
638	<u>From Uniform School Fund, One-time</u>	<u>(\$24,735,500)</u>
639	<u>Schedule of Programs:</u>	
640	<u>Early Intervention</u>	<u>\$23,000,000</u>

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