

HB0193S04 compared with HB0193S03

~~deleted text~~ shows text that was in HB0193S03 but was deleted in HB0193S04.

inserted text shows text that was not in HB0193S03 but was inserted into HB0193S04.

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Representative Steve Waldrip proposes the following substitute bill:

FULL-DAY KINDERGARTEN

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: ~~_____~~

~~Cosponsors:~~

~~Ann Millner~~

Cosponsors:

Carl R. Albrecht

Melissa G. Ballard

Gay Lynn Bennion

Joel K. Briscoe

Clare Collard

Jennifer Dailey-Provost

Stephen G. Handy

Suzanne Harrison

Sandra Hollins

Dan N. Johnson

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Ashlee Matthews

Carol Spackman Moss

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Doug Owens

Karen M. Peterson

Stephanie Pitcher

Judy Weeks Rohner

Angela Romero

V. Lowry Snow

Robert M. Spendlove

Andrew Stoddard

Elizabeth Weight

Douglas R. Welton

Mark A. Wheatley

Mike Winder

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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}~~; amends provisions related to optional enhanced kindergarten.

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}~~ amends provisions related to the distribution of funding for optional enhanced kindergarten grant program;
 - ▶ relocates a requirement for kindergarten entry and exit assessments from the optional ~~{expanded}~~ enhanced kindergarten grant program;
 - ▶ amends a definition and school year provisions 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:~~

- ~~to the Minimum School Program - Related to Basic School Programs:~~
- ~~From the Uniform School Fund, \$47,735,300; and~~
- ~~From the Uniform School Fund, One-time, (\$24,735,300).}~~ None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-15-102, as last amended by Laws of Utah 2020, Chapter 171

53E-4-314, as last amended by Laws of Utah 2020, Chapter 171

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- ~~{ 53E-7-402, as enacted by Laws of Utah 2020, Fourth Special Session, Chapter 3~~
 - ~~— 53F-2-302, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 9~~
 - ~~— 53F-2-302.1, as enacted by Laws of Utah 2021, Chapter 6~~
 - ‡ 53F-2-507, as last amended by Laws of Utah 2020, Chapter 171
 - ~~{ 53F-4-304, as last amended by Laws of Utah 2020, Chapter 408~~
 - ‡ 53F-4-401, as last amended by Laws of Utah 2021, First Special Session, Chapter 14
 - 53F-4-404, as last amended by Laws of Utah 2021, First Special Session, Chapter 14
 - 53F-4-406, as last amended by Laws of Utah 2020, Chapter 171
 - 53G-7-203, as last amended by Laws of Utah 2019, Chapter 293
 - ~~{ 63I-2-253, as last amended by Laws of Utah 2021, First Special Session, Chapter 14~~
-

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

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

35A-15-102. Definitions.

As used in this chapter:

- (1) "Board" means the School Readiness Board, created in Section 35A-15-201.
- (2) "Economically disadvantaged" means to be eligible to receive free or reduced price lunch.
- (3) "Eligible home-based educational technology provider" means a provider that offers a home-based educational technology program to develop the school readiness skills of an eligible student.
- (4) (a) "Eligible LEA" means an LEA that has a data system capacity to collect longitudinal academic outcome data, including special education use by student, by identifying each student with a statewide unique student identifier.
 - (b) "Eligible LEA" includes a program exempt from licensure under Subsection 26-39-403(2)(c).
- (5) (a) "Eligible private provider" means a child care program that:
 - (i) is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or
 - (ii) except as provided in Subsection (5)(b)(ii), is exempt from licensure under Section 26-39-403.
- (b) "Eligible private provider" does not include:

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- (i) residential child care, as defined in Section 26-39-102; or
- (ii) a program exempt from licensure under Subsection 26-39-403(2)(c).
- (6) "Eligible student" means a student:
 - (a) (i) who is age three, four, or five; and
 - (ii) is not eligible for enrollment under Subsection 53G-4-402(6); and
 - (b) (i) (A) who is economically disadvantaged; and
 - (B) whose parent or legal guardian reports that the student has experienced at least one risk factor; or
 - (ii) is an English learner.
- (7) "Evaluation" means an evaluation conducted in accordance with Section 35A-15-303.
- (8) "High quality school readiness program" means a preschool program that:
 - (a) is provided by an eligible LEA, eligible private provider, or eligible home-based educational technology provider; and
 - (b) meets the elements of a high quality school readiness program described in Section 35A-15-202.
- (9) "Investor" means a person that enters into a results-based contract to provide funding to a high quality school readiness program on the condition that the person will receive payment in accordance with Section 35A-15-402 if the high quality school readiness program meets the performance outcome measures included in the results-based contract.
- (10) "Kindergarten assessment" means the kindergarten entry assessment described in Section [~~53F-2-507~~] 53G-7-203.
- (11) "Kindergarten transition plan" means a plan that supports the smooth transition of a preschool student to kindergarten and includes communication and alignment among the preschool, program, parents, and K-12 personnel.
- (12) "Local Education Agency" or "LEA" means a school district or charter school.
- (13) "Performance outcome measure" means:
 - (a) indicators, as determined by the board, on the school readiness assessment and the kindergarten assessment; or
 - (b) for a results-based contract, the indicators included in the contract.
- (14) "Results-based contract" means a contract that:

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- (a) is entered into in accordance with Section 35A-15-402;
- (b) includes a performance outcome measure; and
- (c) is between the board, a provider of a high quality school readiness program, and an investor.

(15) "Risk factor" means:

- (a) having a mother who was 18 years old or younger when the child was born;
- (b) a member of a child's household is incarcerated;
- (c) living in a neighborhood with high violence or crime;
- (d) having one or both parents with a low reading ability;
- (e) moving at least once in the past year;
- (f) having ever been in foster care;
- (g) living with multiple families in the same household;
- (h) having exposure in a child's home to:
 - (i) physical abuse or domestic violence;
 - (ii) substance abuse;
 - (iii) the death or chronic illness of a parent or sibling; or
 - (iv) mental illness;
- (i) the primary language spoken in a child's home is a language other than English; or
- (j) having at least one parent who has not completed high school.

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

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

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

53E-4-314. School readiness assessment.

- (1) As used in this section:
 - (a) "School readiness assessment" means a preschool entry and exit profile that measures literacy, numeracy, and lifelong learning practices developed in a student.
 - (b) "School readiness program" means a preschool program:
 - (i) in which a student participates in the year before the student is expected to enroll in kindergarten; and
 - (ii) that receives funding under Title 35A, Chapter 15, Preschool Programs.

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(2) The state board shall develop a school readiness assessment that aligns with the kindergarten entry and exit assessment described in Section ~~[53F-2-507]~~ 53G-7-203.

(3) A school readiness program shall:

(a) except as provided in Subsection (4), administer to each student who participates in the school readiness program the school readiness assessment at the beginning and end of the student's participation in the school readiness program; and

(b) report the results of the assessments described in Subsection (3)(a) or (4) to the School Readiness Board created in Section 35A-15-201.

(4) In place of the assessments described in Subsection (3)(a), a school readiness program that is offered through home-based technology may administer to each student who participates in the school readiness program:

(a) a validated computer adaptive pre-assessment at the beginning of the student's participation in the school readiness program; and

(b) a validated computer adaptive post-assessment at the end of the student's participation in the school readiness program.

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

(i) a private child care provider; or

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

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

Section 3. Section ~~{53E-7-402}~~ 53F-2-507 is amended to read:

~~{~~ ~~53E-7-402. Special Needs Opportunity Scholarship Program.~~

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

~~(2) A scholarship granting organization shall:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— (a) information on the program; and~~

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

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

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

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

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

~~— [(1)] (2) The number of units is computed by adding the average daily membership of~~

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~~all pupils of the school district or charter school attending schools, other than kindergarten and self-contained classes for children with a disability:~~

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

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

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

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

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

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

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

~~——— (c) The growth factor is the percentage increase in total average daily membership on the first school day of October in the current year as compared to the total average daily membership on the first school day of October of the previous year:~~

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

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

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

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

~~——— (ii) for a fiscal year beginning on or after July 1, 2024, .9 for pupils in kindergarten and~~

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grades 1 through 6;

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

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

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

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

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

——— Section 5. Section ~~53F-2-302.1~~ is amended to read:

——— ~~53F-2-302.1. Enrollment Growth Contingency Program:~~

——— (1) As used in this section:

——— (a) "Program funds" means money appropriated under the Enrollment Growth Contingency Program:

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

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

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

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

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

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

——— (ii) at the request of an LEA that experienced a significant decline in student

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~~enrollment during the 2020-2021 academic year, pre-fund significantly higher anticipated student enrollment growth before the student enrollment count, and~~

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

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

~~—— (a) verify the LEA's enrollment after the student enrollment count, and~~

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

~~—— Section 6. Section 53F-2-507 is amended to read:~~

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

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

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

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

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

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

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

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

(4) ~~[Subject]~~ Except as provided in Subsection (5) and subject to Subsection (6), ~~the~~ The state board shall distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2) as follows:

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

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

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

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

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schools with the greatest need for an enhanced kindergarten program, as determined by the state board in consultation with the State Charter School Board;

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

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

(ii) multiplying the result by 20; and

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

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

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

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

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

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

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

~~[(5) Notwithstanding Subsection (4), the state board shall distribute any increased funds appropriated under this section after January 1, 2022, for an enhanced kindergarten program described in Subsection (2) to LEAs:~~

~~(a) with the greatest need for an enhanced kindergarten program, as determined by the state board;~~

~~(b) that apply for grant funding to offer an enhanced kindergarten program in a school that does not already offer an enhanced kindergarten program; and~~

~~(c) that would not supplant federal or other available funding to offer an enhanced kindergarten program with state funding.~~

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

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

~~[(b)]~~ ~~(b) 1 or (5)~~, the LEA is not eligible for subsequent distributions under Subsection (4)

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or (5) unless the results of the entry and exit assessments described in Subsection 53G-7-203(4) demonstrate successful outcomes of the LEA's enhanced kindergarten program, as determined by the board. ~~¶~~

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

~~53F-4-304. Scholarship payments:~~

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

~~(b) The Legislature shall annually appropriate money to the state board from the General Fund to make scholarship payments:~~

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

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

~~(ii) the product of:~~

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

~~(B) 0.0007.~~

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

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

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

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

~~(a) for a student who received an average of 180 minutes per day or more of special~~

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~~education services in a public school before transferring to a private school, an amount not to exceed the lesser of:~~

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

~~—— (ii) the private school tuition and fees; and~~

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

~~—— (i) the value of the weighted pupil unit multiplied by 1.5; or~~

~~—— (ii) the private school tuition and fees.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (ii) the private school tuition and fees.~~

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

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

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

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

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

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

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

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

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

‡ Section ~~{8}~~4. 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

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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

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

(b) in the 2021-2022 or 2022-2023 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

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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.

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Section ~~19~~5. 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) Except as provided in Subsection (4)(d), a preschool child may only participate in

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UPSTART through legislative funding once.

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

- (i) is eligible for enrollment in kindergarten; or
- (ii) is enrolled in kindergarten.

Section ~~{H}~~6. Section **53F-4-406** is amended to read:

53F-4-406. Audit and evaluation.

- (1) The state auditor shall every three years:
 - (a) conduct an audit of the contractor's use of funds for UPSTART; or
 - (b) contract with an independent certified public accountant to conduct an audit.
- (2) The state board shall:
 - (a) require by contract that the contractor will open its books and records relating to its expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;
 - (b) reimburse the state auditor for the actual and necessary costs of the audit; and
 - (c) contract with an independent, qualified evaluator, selected through a request for proposals process, to evaluate the home-based educational technology program for preschool children.

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

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

Section ~~{H}~~7. Section **53G-7-203** is amended to read:

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

- (1) Kindergartens are an integral part of the state's public education system.
- (2) (a) Each ~~{}~~local school ~~{}~~LEA governing board shall provide kindergarten classes free of charge for kindergarten children~~{}~~
~~—— (i) for a school district,~~ residing within the district~~{}~~. ~~{}~~or

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

~~(b) Beginning July 1, 2025, each LEA governing board shall provide kindergarten classes lasting the full school day.~~

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

~~(i) allows an LEA governing board to require a student to participate in a full-day kindergarten program;~~

~~(ii) modifies the non-compulsory status of kindergarten under Title 53G, Chapter 6, Part 2, Compulsory Education; or~~

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

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

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

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

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

~~(b) An LEA shall:~~

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

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

~~(5) The state board shall:~~

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

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

~~{ Section 12. 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~~

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

~~—— (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.~~

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- ~~—— (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) Section 53F-2-507, regarding an optional enhanced kindergarten intervention program, is repealed July 1, 2024.~~
- ~~—— [(22)] (23) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.~~
- ~~—— [(23)] (24) Section 53F-4-207 is repealed July 1, 2022.~~
- ~~—— [(24)] (25) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for enrollment in kindergarten, is repealed July 1, 2022.~~
- ~~—— [(25)] (26) In Subsection 53F-4-404(4)(c), the language that states "Except as provided in Subsection (4)(d)" is repealed July 1, 2022.~~
- ~~—— [(26)] (27) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.~~
- ~~—— [(27)] (28) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as~~

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applicable" is repealed July 1, 2023.

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

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

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

— ~~[(31)] (32)~~ 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.

— ~~[(32)] (33)~~ 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 13. **Appropriation:**

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

— ~~To State Board of Education - Minimum School Program - Related to Basic School Program~~

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

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

— ~~Schedule of Programs:~~

— ~~Early Intervention \$23,000,000~~

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

‡