

FULL-DAY KINDERGARTEN AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Kirk A. Cullimore

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LONG TITLE

General Description:

This bill makes full-day kindergarten available for all local education agencies with an option for half-day 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 education agency governing boards to provide an optional half-day

28 kindergarten class upon request;

29 ▶ amends provisions regarding a requirement for a kindergarten assessment;

30 ▶ repeals an optional expanded kindergarten program; and

31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **53E-7-402**, as last amended by Laws of Utah 2022, Chapter 262

39 **53F-2-302**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 9

40 **53F-2-302.1**, as last amended by Laws of Utah 2022, Chapter 1

41 **53G-7-203**, as last amended by Laws of Utah 2022, Chapter 316

42 REPEALS:

43 **53F-2-507**, as last amended by Laws of Utah 2022, Chapter 316



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

46 Section 1. Section **53E-7-402** is amended to read:

47 **53E-7-402. Special Needs Opportunity Scholarship Program.**

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

51 (2) (a) A scholarship granting organization shall:

52 (i) award, in accordance with this part, scholarships to eligible students; and

53 (ii) determine the amount of a scholarship in accordance with Subsection (3).

54 (b) In awarding scholarships, a scholarship granting organization shall give priority to
55 an eligible student described in Subsection **53E-7-401**(1)(a) by:

56 (i) establishing an August 10 deadline for an eligible student described in Subsection
57 53E-7-401(1)(b) to apply for a scholarship; and

58 (ii) awarding a scholarship to an eligible student described in Subsection
59 53E-7-401(1)(b) only if funds exist after awarding scholarships to all eligible students
60 described in Subsection 53E-7-401(1)(a) who have applied and qualify.

61 (c) Subject to available funds, a scholarship awarded to an eligible student described in
62 Subsection 53E-7-401(1)(b) shall be for a similar term as a scholarship awarded to the eligible
63 student's sibling.

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

66 (a) for an eligible student described in Subsection 53E-7-401(1)(a) who is[:]
67 [(†)] in grades 1 through 12 with an IEP and whose family income is:

68 [(A)] (i) at or below 185% of the federal poverty level, the value of the weighted pupil
69 unit multiplied by 2.5;

70 [(B)] (ii) between 185% and 555% of the federal poverty level, the value of the
71 weighted pupil unit multiplied by two; or

72 [(C)] (iii) above 555% of the federal poverty level, the value of the weighted pupil unit
73 multiplied by 1.5;

74 (b) for a fiscal year before July 1, 2023, for an eligible student who is:

75 [(†)] (i) in grades 1 through 12 and who does not have an IEP, the value of the
76 weighted pupil unit;

77 [(††)] (ii) in kindergarten with an IEP, the value of the weighted pupil unit; or

78 [(†††)] (iii) in kindergarten and who does not have an IEP, half the value of the weighted
79 pupil unit; [or]

80 [(††††)] (c) for a fiscal year beginning on or after July 1, 2023, for an eligible student in
81 kindergarten or grades 1 through 12, the value of the weighted pupil unit; or

82 (d) for an eligible student described in Subsection 53E-7-401(1)(b), half the value of
83 the weighted pupil unit.

84 (4) Eligibility for a scholarship as determined by a multidisciplinary evaluation team
85 under this program does not establish eligibility for an IEP under the Individuals with
86 Disabilities Education Act, Subchapter II, 20 U.S.C. Secs. 1400 to 1419, and is not binding on
87 any LEA that is required to provide an IEP under the Individuals with Disabilities Education
88 Act.

89 (5) The scholarship granting organizations shall prepare and disseminate information
90 on the program to a parent applying for a scholarship on behalf of a student.

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

92 **53F-2-302. Determination of weighted pupil units.**

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

96 ~~[(1)]~~ (2) The number of weighted pupil units is computed by adding the average daily
97 membership of all pupils of the school district or charter school attending schools, other than
98 ~~[kindergarten and]~~ self-contained classes for children with a disability.

99 ~~[(2)]~~ (3) (a) Except as provided in Subsection (3)(b), for a fiscal year beginning on or
100 after July 1, 2023, the number of weighted pupil units for kindergarten students shall be
101 computed by adding the average daily membership of all pupils of the school district or charter
102 school enrolled in kindergarten.

103 (b) The number of weighted pupil units is computed by ~~[adding]~~ multiplying the
104 average daily membership ~~[of all pupils of the school district or charter school enrolled in~~
105 ~~kindergarten and multiplying the total]~~ for the number of students who are enrolled in
106 kindergarten for less than the equivalent length of the schedule for grades 1 through 3, based on
107 the October 1 data described in Section 53F-2-302, by .55.

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

111 ~~[(b) Upon LEA governing board approval, the number of pupils in average daily~~

112 membership at the short-term kindergarten shall be counted for the purpose of determining the
 113 number of units allowed in the same ratio as the number of days the short-term kindergarten is
 114 held, not exceeding nine weeks, compared to the total number of days schools are held in that
 115 school district or charter school in the regular school year.]

116 ~~[(3)]~~ (4) (a) The state board shall use prior year plus growth to determine average daily
 117 membership in distributing money under the Minimum School Program where the distribution
 118 is based on kindergarten through grade 12 ADMs or weighted pupil units.

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

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

125 ~~[(4)]~~ (5) In distributing funds to charter schools under this section, charter school
 126 pupils shall be weighted, where applicable, as follows:

127 ~~[(a)]~~ .55 for kindergarten pupils;]

128 ~~[(b)]~~ (a) except as provided in Subsection (3)(b), .9 for pupils in ~~[grades 1]~~
 129 kindergarten through grade 6;

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

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

132 ~~[(5)]~~ Notwithstanding Subsection (3)(c):]

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

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

138 Section 3. Section 53F-2-302.1 is amended to read:

139 **53F-2-302.1. Enrollment Growth Contingency Program.**

140 (1) As used in this section:

141 (a) "Program funds" means money appropriated under the Enrollment Growth
142 Contingency Program.

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

145 (2) There is created the Enrollment Growth Contingency Program to mitigate funding
146 impacts on an LEA resulting from student enrollment irregularities during fiscal years 2021,
147 2022, and 2023.

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

151 (a) for fiscal years 2021, 2022, and 2023 and for an LEA that has declining enrollment,
152 pay costs associated with Subsection [~~53F-2-302(3)~~] 53F-2-302(4) to hold LEA funding
153 distributions at the prior year's average daily membership;

154 (b) for fiscal year 2022, fund ongoing impacts of student enrollment changes in the
155 2021-2022 academic year, including:

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

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

162 (c) for fiscal years 2022 and 2023, with any remaining weighted pupil units, pay other
163 weighted pupil unit related costs in accordance with Section 53F-2-205.

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

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

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

168 Section 4. Section 53G-7-203 is amended to read:

169 **53G-7-203. Kindergartens -- Establishment -- Funding -- Assessment.**

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

171 (2) (a) Each ~~[local school]~~ LEA governing board shall provide kindergarten classes
172 free of charge for kindergarten children residing within the district or attending the charter
173 school.

174 (b) Each LEA governing board shall provide a half-day kindergarten option for a
175 student if the student's parent requests a half-day option.

176 ~~[(b)]~~ (c) Nothing in this Subsection (2):

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

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

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

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

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

186 (i) develop and collect data from a kindergarten ~~[entry and exit assessments]~~
187 assessment that the board selects by rule; and

188 (ii) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
189 Rulemaking Act, regarding the administration of and reporting regarding the ~~[assessments]~~
190 assessment described in Subsection (4)(a)(i).

191 (b) An LEA shall:

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

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

196 (5) Beginning with the 2022-2023 school year, the state board shall require LEAs to
197 report average daily membership for all kindergarten students who attend kindergarten on a
198 schedule that is equivalent in length to the schedule for grades 1 through 3 with the October 1
199 data described in Section [53F-2-302](#).

200 Section 5. **Repealer.**

201 This bill repeals:

202 Section [53F-2-507](#), **Enhanced kindergarten early intervention program.**