

1 **GRANT FUNDING FOR SUPPLEMENTAL EDUCATIONAL**
2 **OPPORTUNITIES**

3 2023 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Karen M. Peterson**

6 Senate Sponsor: Ann Millner



8 **LONG TITLE**

9 **General Description:**

10 This bill establishes and provides funding for the Boost Up Supplemental Grant
11 Program.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ establishes and provides funding for the Boost Up Supplemental Grant Program
16 (program);
- 17 ▶ provides requirements for program eligibility and the use of program funds;
- 18 ▶ requires the State Board of Education (state board) to:
 - 19 • administer the program, including facilitating payment to program service
20 providers;
 - 21 • create an online platform to facilitate program services; and
 - 22 • annually report to the Public Education Appropriations Subcommittee regarding
23 the program.

24 **Money Appropriated in this Bill:**

25 This bill appropriates in fiscal year 2024:

- 26 ▶ to the State Board of Education - Minimum School Program - Related to Basic
27 School Programs, as an ongoing appropriation:



- 28 • from the Uniform School Fund, \$12,000,000.

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **53F-5-701**, Utah Code Annotated 1953

34 **53F-5-702**, Utah Code Annotated 1953

35 **53F-5-703**, Utah Code Annotated 1953

36 **53F-5-704**, Utah Code Annotated 1953

37 **53F-5-705**, Utah Code Annotated 1953

38 **53F-5-706**, Utah Code Annotated 1953



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

41 Section 1. Section **53F-5-701** is enacted to read:

42 **53F-5-701. Definitions.**

43 As used in this part:

44 (1) "Program" means the Boost Up Supplemental Grant Program established in Section
45 53F-5-702.

46 (2) "Program account" means an online account on a platform that the state board
47 develops to facilitate the delivery of program services to students participating in the program.

48 (3) "Program expense" means an expenditure for a good or service from a program
49 service provider that the program facilitates.

50 (4) "Program service provider" means an entity that the state board approves to provide
51 a good or service to students participating in the program.

52 Section 2. Section **53F-5-702** is enacted to read:

53 **53F-5-702. Boost Up Supplemental Grant Program established -- Eligibility --**
54 **Program expenses.**

55 (1) (a) There is established the Boost Up Supplemental Grant Program.

56 (b) The state board shall administer the program in accordance with this part.

57 (2) (a) A student is eligible to participate in the program if:

58 (i) the student is:

- 59 (A) a resident of the state;
60 (B) eligible to attend any grade from kindergarten through grade 12 in the public
61 education system, regardless of whether the student is enrolled in the public education system;
62 and
63 (ii) a parent of the student submits an application to the state board that demonstrates:
64 (A) the student's eligibility; and
65 (B) the parent's adjusted gross income for the previous tax year.
66 (b) A student's participation in the program in a given year does not render the student
67 eligible to participate or guarantee the student's participation in the program for a subsequent
68 year.
69 (3) (a) Beginning on or before January 1, 2024, the state board shall:
70 (i) accept applications for program participation and determine the eligibility of each
71 applicant;
72 (ii) subject to legislative appropriations, establish a program account for eligible
73 students in the following order:
74 (A) during the first 30 days of accepting applications, students with a family income at
75 or below 130% of the federal poverty level;
76 (B) during the second 30-day period following the initial acceptance of applications,
77 students with a family income at or below 185% of the federal poverty level; and
78 (C) following the two initial periods of accepting application described in this
79 Subsection (3)(a)(ii), any eligible student in the order in which the state board receives the
80 student's application.
81 (b) Subject to legislative appropriations, the state board shall provide program funds in
82 the amount of \$1,000 for each program account.
83 (c) (i) A student's program account expires two years after the day of the account's
84 creation.
85 (ii) Any funds remaining in a program account at the account's expiration shall revert
86 to the program for redistribution to other students participating in the program.
87 (iii) If, upon application in a subsequent year, the state board awards program funds to
88 a student with an existing program account, the state board shall award program funds to the
89 student's program account in an amount that brings the account balance to \$1,000.

90 (4) (a) Using a student's program account on the online program platform described in
91 Section 53F-5-705, the student's parent may obtain from program service providers goods or
92 services that directly impact the student academically.

93 (b) The state board may not expend program funds to pay:

94 (i) the student's private school tuition;

95 (ii) the student's parent for the parent's time to homeschool or otherwise educate the
96 student; or

97 (iii) for a good or service:

98 (A) that does not directly impact the student academically; or

99 (B) from a person or entity who is not a program service provider.

100 (c) The state board shall:

101 (i) facilitate direct payment of selected program expenses to program service providers;

102 and

103 (ii) ensure that a student or parent does not directly receive program funds to pay for a
104 an approved good or service.

105 (5) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah
106 Administrative Rulemaking Act, to:

107 (a) establish the program application and application process;

108 (b) provide for the rolling application approval periods described in Subsection (3);

109 and

110 (c) define criteria to determine whether a good or service directly impacts a student
111 academically.

112 (6) The state board may use up to 5% of the money appropriated for the program in
113 accordance with this section for administration and evaluation of the program.

114 Section 3. Section **53F-5-703** is enacted to read:

115 **53F-5-703. Parent advisory board.**

116 (1) The state board shall appoint seven members to a parent advisory board to make
117 recommendations on the program, including:

118 (a) candidates for program service providers;

119 (b) publicizing the program; and

120 (c) increasing parents access to the program.

121 (2) (a) An individual is eligible for appointment to the parent advisory board described
122 in Subsection (1) if the individual is:

123 (i) a resident of the state; and

124 (ii) the parent of a child who is eligible to attend any grade from kindergarten through
125 grade 12 in the public education system, regardless of whether the child is enrolled in the
126 public education system.

127 (b) The state board shall:

128 (i) ensure that the members of the parent advisory board represent a geographically
129 diverse cross-section of the state:

130 (ii) except as provided in Subsection (2)(b)(iii), appoint members to the parent
131 advisory board for two-year staggered terms; and

132 (iii) for initial appointments in 2023, appoint three members to one-year terms to
133 ensure the staggering of terms described in Subsection (2)(b)(ii).

134 (3) A member of the parent advisory board is not eligible for compensation for the
135 member's service on the parent advisory board.

136 (4) The state board may establish processes for the business of the parent advisory
137 board.

138 Section 4. Section **53F-5-704** is enacted to read:

139 **53F-5-704. Program service providers.**

140 (1) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah
141 Administrative Rulemaking Act, to:

142 (a) establish a public and transparent process to evaluate and approve an entity as a
143 program service provider;

144 (b) establish criteria for evaluating a candidate to be a program service provider,
145 including:

146 (i) background checks and other parameters to ensure student safety;

147 (ii) demonstrated ability to provide the proffered good or service, including any
148 applicable credential or license;

149 (iii) business and financial requirements;

150 (iv) financial controls; and

151 (v) proposed academic outcomes of the provider's good or service;

- 152 (c) establish procedures to audit program service providers to ensure financial
153 accountability and academic outcomes; and
- 154 (d) regulate the provision of goods and services to participating students through the
155 program.
- 156 (2) The state board shall maintain on the state board's website a publicly available list
157 of each program service provider that the state board approves in accordance with this section.
- 158 (3) (a) The state board may approve as a program service provider:
- 159 (i) a public, private, or nonprofit vendor;
- 160 (ii) a local education agency; or
- 161 (iii) an institution of higher education described in Section [53B-2-101](#).
- 162 (b) If a public service provider described in Subsection (3)(a)(i) also offers goods or
163 services that are not academic in nature, the state board shall ensure that program participants
164 may only obtain goods or services that directly impact a student academically from the program
165 service provider through the program.
- 166 (4) The state board may remove a program service provider from the program for:
- 167 (a) a failure to achieve the proposed academic outcomes;
- 168 (b) misuse of program funds; or
- 169 (c) a violation of this part or a board rule.
- 170 (5) A program service provider may not charge a student participating in the program a
171 different fee for a good or service than the provider charges a student who does not participate
172 in the program for the same good or service.
- 173 Section 5. Section **53F-5-705** is enacted to read:
- 174 **53F-5-705. Online program platform.**
- 175 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board
176 shall issue a request for proposals to create an online platform that:
- 177 (a) allows a parent to apply to the program;
- 178 (b) allows participating parent to obtain a program service that a program service
179 provider offers;
- 180 (c) allows a program service provider to offer program service to program participants;
- 181 (d) markets the program to parents and students; and
- 182 (e) provides parents with customer support.

183 (2) On or before January 1, 2024, the state board shall ensure that the online platform
184 described in Subsection (1) is operational and accepting applications.

185 Section 6. Section **53F-5-706** is enacted to read:

186 **53F-5-706. Program evaluation -- Reports.**

187 (1) Beginning July 1, 2025, the state board shall, in accordance with Title 63G, Chapter
188 6a, Utah Procurement Code, contract with an independent third-party certified public
189 accountant to conduct an annual audit and additional random audits of the program, including
190 program accounts and program service providers.

191 (2) The state board shall report to the Public Education Appropriations Subcommittee
192 before November 1 of each year regarding:

- 193 (a) the number of students participating in the program;
- 194 (b) the number of applicants for participation in the program;
- 195 (c) trends in program participation, expenses, and outcomes;
- 196 (d) the most frequently selected program expenses; and
- 197 (e) any additional information regarding student outcomes from program participation.

198 Section 7. **Appropriation.**

199 The following sums of money are appropriated for the fiscal year beginning July 1,
200 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
201 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
202 Act, the Legislature appropriates the following sums of money from the funds or accounts
203 indicated for the use and support of the government of the state of Utah.

204 ITEM 1

205 To State Board of Education - Minimum School Program - Related to Basic School Programs

206 <u>From Uniform School Fund</u>	<u>12,000,000</u>
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207 Schedule of Programs:

208 <u>Boost Up Supplemental Grant Program</u>	<u>12,000,000</u>
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209 Section 8. **Effective date.**

210 This bill takes effect on July 1, 2023.