

SB0258S01 compared with SB0258

~~text~~ shows text that was in SB0258 but was deleted in SB0258S01.

inserted text shows text that was not in SB0258 but was inserted into SB0258S01.

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Senator Michael K. McKell proposes the following substitute bill:

UPSTART PROGRAM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: _____

LONG TITLE

General Description:

This bill amends and enacts provisions of the UPSTART program.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ moves the UPSTART program into the Economic Opportunity Act, under the ~~GO~~ Utah office;
- ▶ ~~prohibits a standard or criteria in a request for proposal~~ Governor's Office of Economic Opportunity (office);
- ▶ amends procurement standards for a home-based technology program for the UPSTART program;
- ▶ requires the ~~GO Utah~~ office to use procurement processes to contract with certain

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providers;

- ▶ amends criteria for evaluating home-based technology program providers;
- ▶ expands program participation to:
 - all Utah preschool children;
 - residential certificate preschool providers; and
 - the Head Start program;
- ▶ amends standards and requirements for home-based educational technology providers;
- ▶ requires school boards to make the program accessible for schools that seek to participate in the program;
- ▶ ~~{requires}~~ provides for an existing contract between the State Board of Education and a contractor to {enter into a contract with a school board or preschool to implement} be transferred to the office;
- ▶ provides for existing program funds to be used for outreach to identify families to participate in the program;
- ▶ requires the Department of Workforce Services to provide data requested by the office to assist in identifying families for the program;
- ▶ requires the ~~{GO Utah}~~ office to determine costs associated with the program, including:
 - implementing campaigns and referrals to solicit families to participate in the program; and
 - technology costs;
- ▶ amends audit reporting requirements; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-15-202, as last amended by Laws of Utah 2022, Chapter 348

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53E-1-201, as last amended by Laws of Utah 2022, Chapters 147, 229, 274, 285, 291, 354, and 461

53E-4-308, as last amended by Laws of Utah 2022, Chapter 461

63I-2-253, as last amended by Laws of Utah 2022, Chapters 208, 229, 274, 354, 370, and 409

RENUMBERS AND AMENDS:

63N-20-101, (Renumbered from 53F-4-401, as last amended by Laws of Utah 2022, Chapter 316)

63N-20-102, (Renumbered from 53F-4-402, as last amended by Laws of Utah 2019, Chapters 186, 342)

63N-20-103, (Renumbered from 53F-4-403, as last amended by Laws of Utah 2019, Chapter 342)

63N-20-104, (Renumbered from 53F-4-404, as last amended by Laws of Utah 2022, Chapter 316)

63N-20-106, (Renumbered from 53F-4-406, as last amended by Laws of Utah 2022, Chapter 316)

63N-20-107, (Renumbered from 53F-4-407, as last amended by Laws of Utah 2019, Chapters 186, 324 and 342)

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

Section 1. Section **35A-15-202** is amended to read:

35A-15-202. Elements of a high quality school readiness program.

(1) A high quality school readiness program that an eligible LEA or eligible private provider runs shall include:

(a) an evidence-based curriculum that is aligned with all of the developmental domains and academic content areas defined in the Utah core standards for preschool that the State Board of Education adopts, and that incorporates:

(i) intentional and differentiated instruction in whole group, small group, and child-directed learning; and

(ii) intentional instruction in key areas of literacy and numeracy, as determined by the State Board of Education, that:

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(A) is teacher led or through a partnership with a contractor as defined in Section [53F-4-401] 63N-20-101;

(B) includes specific ~~[literary]~~ literacy and numeracy skills, such as phonological awareness; and

(C) includes provider monitoring and ongoing professional learning and coaching;

(b) ongoing, focused, and intensive professional development for staff of the school readiness program;

(c) ongoing assessment of a student's educational growth and development that:

(i) is aligned to the Utah core standards for preschool that the State Board of Education adopts; and

(ii) evaluates student progress to inform instruction;

(d) administration of the school readiness assessment to each student;

(e) for a preschool program that an eligible LEA runs, a class size that does not exceed 20 students, with one adult for every 10 students in the class;

(f) ongoing program evaluation and data collection to monitor program goal achievement and implementation of required program components;

(g) family engagement, including ongoing communication between home and school, and parent education opportunities based on each family's circumstances;

(h) only lead teachers who, by the lead teacher's second year, obtain at least:

(i) the minimum standard of a child development associate certification; or

(ii) an associate or bachelor's degree in an early childhood education related field; and

(i) a kindergarten transition plan.

(2) A high quality school readiness program that a home-based educational technology provider runs shall~~[:]~~ meet the requirements as ~~provided~~; described in Title 63N, Chapter 20, Part 1, UPSTART.

~~[(a) be an evidence-based and age appropriate individualized interactive instruction assessment and feedback technology program that teaches eligible students early learning skills needed to be successful upon entry into kindergarten;]~~

~~[(b) require regular parental engagement with the student in the student's use of the home-based educational technology program;]~~

~~[(c) be aligned with the Utah core standards for preschool that the State Board of~~

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Education adopts;]

~~[(d) require the administration of a pre- and post-assessment of each student whose parent or legal guardian consents to the assessment that, for a home-based technology program that receives funding under this part, is designated by the board in accordance with Section 35A-15-402; and]~~

~~[(e) require technology providers to ensure successful implementation and utilization of the technology program.]~~

Section 2. Section **53E-1-201** is amended to read:

53E-1-201. Reports to and action required of the Education Interim Committee.

(1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Education Interim Committee:

(a) the report described in Section 9-22-109 by the STEM Action Center Board, including the information described in Section 9-22-113 on the status of the computer science initiative and Section 9-22-114 on the Computing Partnerships Grants Program;

(b) the prioritized list of data research described in Section 53B-33-302 and the report on research and activities described in Section 53B-33-304 by the Utah Data Research Center;

(c) the report described in Section 35A-15-303 by the State Board of Education on preschool programs;

(d) the report described in Section 53B-1-402 by the Utah Board of Higher Education on career and technical education issues and addressing workforce needs;

(e) the annual report of the Utah Board of Higher Education described in Section 53B-1-402;

(f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education regarding activities related to campus safety;

(g) the State Superintendent's Annual Report by the state board described in Section 53E-1-203;

(h) the annual report described in Section 53E-2-202 by the state board on the strategic plan to improve student outcomes;

(i) the report described in Section 53E-8-204 by the state board on the Utah Schools for the Deaf and the Blind;

(j) the report described in Section 53E-10-703 by the Utah Leading through Effective,

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(k) the report described in Section 53F-2-522 regarding mental health screening programs;

(l) the report described in Section 53F-4-203 by the state board and the independent evaluator on an evaluation of early interactive reading software;

(m) the report described in Section [~~53F-4-407~~] 63N-20-107 by [~~the state board~~] the ~~GO Utah office~~ Governor's Office of Economic Opportunity on UPSTART;

(n) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board related to grants for professional learning and grants for an elementary teacher preparation assessment;

(o) upon request, the report described in Section 53F-5-219 by the state board on the Local Innovations Civics Education Pilot Program;

(p) the report described in Section 53F-5-405 by the State Board of Education regarding an evaluation of a partnership that receives a grant to improve educational outcomes for students who are low income;

(q) the report described in Section 53B-35-202 regarding the Higher Education and Corrections Council;

(r) the report described in Section 53G-7-221 by the State Board of Education regarding innovation plans; and

(s) the annual report described in Section 63A-2-502 by the Educational Interpretation and Translation Service Procurement Advisory Council.

(2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Education Interim Committee:

(a) the report described in Section 35A-15-303 by the School Readiness Board by November 30, 2020, on benchmarks for certain preschool programs;

(b) the report described in Section 53B-28-402 by the Utah Board of Higher Education on or before the Education Interim Committee's November 2021 meeting;

(c) if required, the report described in Section 53E-4-309 by the state board explaining the reasons for changing the grade level specification for the administration of specific assessments;

(d) if required, the report described in Section 53E-5-210 by the state board of an

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adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

(e) in 2022 and in 2023, on or before November 30, the report described in Subsection 53E-10-309(7) related to the PRIME pilot program;

(f) the report described in Section 53E-10-702 by Utah Leading through Effective, Actionable, and Dynamic Education;

(g) if required, the report described in Section 53F-2-513 by the state board evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in high poverty schools;

(h) the report described in Section 53F-5-210 by the state board on the Educational Improvement Opportunities Outside of the Regular School Day Grant Program;

(i) upon request, a report described in Section 53G-7-222 by an LEA regarding expenditure of a percentage of state restricted funds to support an innovative education program;

(j) the report described in Section 53G-7-503 by the state board regarding fees that LEAs charge during the 2020-2021 school year;

(k) the reports described in Section 53G-11-304 by the state board regarding proposed rules and results related to educator exit surveys; and

(l) the report described in Section 62A-15-117 by the Division of Substance Abuse and Mental Health, the State Board of Education, and the Department of Health regarding recommendations related to Medicaid reimbursement for school-based health services.

Section 3. Section **53E-4-308** is amended to read:

53E-4-308. Unique student identifier -- Coordination of higher education and public education information technology systems -- Coordination of preschool and public education information technology systems.

(1) As used in this section, "unique student identifier" means an alphanumeric code assigned to each public education student for identification purposes, which:

(a) is not assigned to any former or current student; and

(b) does not incorporate personal information, including a birth date or Social Security number.

(2) The state board, through the state superintendent, shall assign each public education student a unique student identifier, which shall be used to track individual student performance

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on achievement tests administered under this part.

(3) The state board and the Utah Board of Higher Education, in collaboration with the Utah Data Research Center created in Section 53B-33-201, shall:

(a) coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53B-1-109; and

(b) coordinate access to the unique student identifier of a public education student who later attends an institution within the state system of higher education.

(4) (a) The state board and the Department of Workforce Services shall coordinate assignment of a unique student identifier to each student enrolled in a program described in Title 35A, Chapter 15, Preschool Programs.

(b) A unique student identifier assigned to a student under Subsection (4)(a) shall remain the student's unique student identifier used by the state board when the student enrolls in a public school in kindergarten or a later grade.

(c) The ~~{GO Utah office}~~ Governor's Office of Economic Opportunity, the state board, the Department of Workforce Services, and a contractor as defined in Section ~~[53F-4-401]~~ 63N-20-101, shall coordinate access to the unique student identifier of a preschool student who later attends an LEA.

Section 4. Section 63I-2-253 is amended to read:

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

~~[(1)(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.]~~

~~[(2)]~~ [(1)] Section 53B-6-105.7 is repealed July 1, 2024.

~~[(3)]~~ [(2)] Section 53B-7-707 regarding performance metrics for technical colleges is repealed July 1, 2023.

~~[(4)]~~ [(3)] Section 53B-8-114 is repealed July 1, 2024.

~~[(5)]~~ [(4)] The following provisions, regarding the Regents' scholarship program, are repealed on July 1, 2023:

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(a) in Subsection 53B-8-105(12), the language that states, "or any scholarship established under Sections 53B-8-202 through 53B-8-205";

(b) Section 53B-8-202;

(c) Section 53B-8-203;

(d) Section 53B-8-204; and

(e) Section 53B-8-205.

~~[(6)]~~1(5) Section 53B-10-101 is repealed on July 1, 2027.

~~[(7)]~~1(6) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.

~~[(8)]~~1(7) Subsection 53E-1-201(1)(s) regarding the report by the Educational Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.

~~[(9)]~~1(8) Section 53E-1-202.2, regarding a Public Education Appropriations Subcommittee evaluation and recommendations, is repealed January 1, 2024.

~~[(10)]~~1(9) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed July 1, 2024.

~~[(11)]~~1(10) 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.

~~[(12)]~~1(11) Section 53F-2-209, regarding local education agency budgetary flexibility, is repealed July 1, 2024.

~~[(13)]~~1(12) Subsection 53F-2-301(1), relating to the years the section is not in effect, is repealed July 1, 2023.

~~[(14)]~~1(13) Section 53F-2-302.1, regarding the Enrollment Growth Contingency Program, is repealed July 1, 2023.

~~[(15)]~~1(14) 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.

~~[(16)]~~1(15) Section 53F-2-524, regarding teacher bonuses for extra work assignments, is repealed July 1, 2024.

~~[(17)]~~1(16) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

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~~[(18) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for enrollment in kindergarten, is repealed July 1, 2022.]~~

~~[(19) In Subsection 53F-4-404(4)(c), the language that states "Except as provided in Subsection (4)(d)" is repealed July 1, 2022.]~~

~~[(20) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.]~~

~~[(21)]~~ [(17)] In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(22)]~~ [(18)] In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(23)]~~ [(19)] In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(24)]~~ [(20)] In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

~~[(25)]~~ [(21)] 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 ~~{4}~~ 5. Section **63N-20-101**, which is renumbered from Section 53F-4-401 is renumbered and amended to read:

~~[53F-4-401].~~ **63N-20-101. Definitions.**

As used in this part:

(1) "Contractor" means the educational technology provider ~~[selected by the state board]~~ that the Governor's Office of Economic Opportunity selects under Section ~~[53F-4-402]~~ 63N-20-102.

(2) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.

~~[(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) four or five years old; and

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(b) not eligible for enrollment under Subsection 53G-4-402(6).

(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);~~ ~~(4)(b)~~, is exempt from licensure under Section 26-39-403; ~~(f)~~ and ~~(g)~~

~~(ii)~~ ~~(B)~~ meets other criteria as established by the [state board] ~~(GO Utah)~~ office, consistent with ~~(f)~~ Utah Constitution, Article X, Section 1~~;~~ ~~(f)~~ ~~Utah Constitution, Article X, Section 1~~; ~~(and)~~ or

~~(iii)~~ ~~(ii)~~ is a residential certificate provider described in Section 26-39-402.

(b) "Private preschool provider" does not include~~[(f)]~~

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

~~(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], a charter school~~ ~~;~~, or the Head Start program.

(6) "State board" means the State Board of Education.

~~(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 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

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~~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)]~~ (7) "UPSTART" means the ~~[project established by]~~ statewide program created in Section ~~[53F-4-402]~~ 63N-20-102 that uses a home-based educational technology program and parent engagement to develop school readiness skills of preschool children.

Section ~~{5}6~~. Section **63N-20-102**, which is renumbered from Section 53F-4-402 is renumbered and amended to read:

~~[53F-4-402].~~ **63N-20-102.** UPSTART program to develop school readiness

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skills of preschool children.

(1) UPSTART, a [project] ~~{state-wide}~~ statewide program that uses a home-based educational technology program and parent engagement to develop school readiness skills of preschool children, is established within the public education system.

(2) UPSTART is created to ~~{f}: {f}~~

(a) provide preschool children across the state access to a home-based educational technology program with strong parental involvement ~~{ that, through testing and evaluation with the state, has: }~~;

~~[(a) evaluate the effectiveness of giving preschool children access, at home, to interactive individualized instruction delivered by computers and the Internet to prepare them academically for success in school; and]~~

~~[(b) test the feasibility of scaling a home-based curriculum in reading, math, and science delivered by computers and the Internet to all preschool children in Utah.]~~

~~{a}b~~ ~~{ demonstrated the program's effectiveness in developing }~~ develop the school readiness of preschool children across the state; and

~~{b}c~~ ~~{ successfully scaled the virtual delivery of a }~~ deliver curriculum in reading, math, and science ~~{from a pilot program}~~ to preschool children across the state.

(3) (a) The [state board] ~~{GO Utah}~~ office shall contract with an educational technology provider, ~~[selected through a request for proposals process,]~~ in accordance with Title 63G, Chapter 6a, {Part 7, Request for Proposals} Utah Procurement Code, for the delivery of a home-based educational technology program for preschool children that meets the requirements of Subsection (4).

~~(b) {In issuing a request for proposals, the GO Utah office may not subdivide a standard or criteria described in Subsections (4) and (6), including an item related to cost, to require information not required under this chapter}~~ The office shall assume the rights and duties of the state board in any contract into which the state board entered with a contractor that exists on May 3, 2023:

(i) to ensure continuity of the UPSTART program; and

(ii) until the office secures a contract with a contractor in accordance with Subsection

(a).

~~{b}~~ (c) Every five years, the [state board] ~~{GO Utah}~~ office may issue a new request

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for proposals] competitive procurement to meet the requirements described in this section.

(4) [A] The ~~{GO Utah}~~ office shall ensure that a home-based educational technology program for preschool children [shall meet] meets the following standards:

~~{}~~(a) the contractor shall have:

(i) at least ~~{five}~~ three years of experience in implementing a home-based educational technology program for preschool children; and

(ii) a randomized controlled trial and other external evaluations that support the efficacy of the home-based educational technology program for preschool children;

~~{(a)}~~ (b) ~~{(a)}~~ the contractor shall provide [~~computer-assisted~~] individualized software instruction for preschool children [on a home computer connected by the Internet to a centralized file storage facility] in the home;

~~{(b)}~~ (c) the contractor shall:

(i) provide technical support to families for the installation and operation of the instructional software; and

(ii) provide for the installation of a computer, a tablet, or other electronic or peripheral equipment, and Internet access [~~in homes of qualifying participants described in Subsection 53F-4-404(3)(d);~~];

(A) in homes of participants who are eligible to receive free or reduced lunch; and

(B) for participating private preschool providers, including residential certificate providers, based upon need;

~~{(c)}~~ (d) the contractor shall have the capability of doing the following through the Internet:

(i) communicating with parents;

(ii) updating the instructional software;

(iii) validating user access;

(iv) collecting usage data;

(v) storing research data; and

(vi) producing reports for parents, schools, and the Legislature;

~~{(d)}~~ (e) the program shall include the following components:

(i) [~~computer-assisted~~] individualized software instruction in reading, mathematics, and science[;] that:

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(A) aligns with the Utah core standards for preschool that the state board adopts;

(B) aligns with Head Start Early Learning Outcomes Framework implemented in accordance with the Head Start Act, 42 U.S.C. Sec. 9801 ~~f.i~~ et seq.;

(C) the Council of Administrators of Special Education endorses; and

(D) meets the United States Department of Education benchmarks for evidence-based programs;

(ii) a multisensory reading tutoring program; and

(iii) a validated [~~computer~~] adaptive reading test that does not require the presence of trained adults to administer and is an accurate indicator of reading readiness of children who cannot read;

~~[(e)]~~ (f) the contractor shall have the capability to quickly and efficiently modify, improve, and support the product; and

~~[(f)]~~ (g) the contractor shall work in cooperation with public preschool or private preschool provider personnel who will provide administrative and technical support of the program as provided in Section ~~[53F-4-403]~~ 63N-20-103;

(h) the contractor shall implement the program throughout the state in both urban and rural areas as provided in Section 63N-20-104;

~~[(g) the contractor shall solicit families to participate in the program as provided in Section 53F-4-404; and]~~

~~[(h)]~~ (i) in implementing the home-based educational technology program, the contractor shall seek the advice and expertise ~~[of]~~ from early childhood education professionals ~~[within]~~ and stakeholders, including the Utah System of Higher Education, the state board, public and private preschool providers, local school board members, teachers, and parents on issues such as:

(i) soliciting families to participate in the program as provided in Section 63N-20-104;

(ii) providing training to families; and

(iii) motivating families to regularly use the instructional software.

(5) The contract shall provide funding for a home-based educational technology program for preschool children, subject to the appropriation of money by the Legislature for UPSTART.

(6) The ~~[state board]~~ {GO Utah} office shall evaluate a proposal based ~~[on]~~ only upon

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the following criteria:

(a) whether the home-based educational technology program meets the standards specified in Subsection (4)[;] and Section 63N-20-104;

(b) audit and evaluation results under Section 63N-20-106, if:

(i) the {GO Utah} office has previously awarded a contract to the home-based educational technology program provider under this part; or

(ii) the state board has previously awarded a contract to the home-based educational technology program provider for UPSTART;

~~[(b)]~~ (c) the results of an independent evaluation of the home-based educational technology program;

~~[(c)]~~ ~~{(d)}~~ the experience of the home-based educational technology program provider;

~~_____~~ (e) the demonstrated abilities of the home-based educational technology program provider;

~~_____~~ (f) the general functionality; and

(d) the per pupil cost of the home-based educational technology program;

~~_____~~ (g) the implementation; [;];

(e) any of the following specifically related to a criterion described in Subsections (6)(a) through (d):

(i) the experience of the home-based educational technology {program} provider; and

~~{(d)}~~ ~~{(h)}~~ (ii) the {per pupil cost} demonstrated abilities of the home-based educational technology {program} provider;

~~_____~~ Section 6} provider;

(iii) the general functionality of the home-based educational technology provider;

(iv) the implementation of the home-based educational technology provider; and

(v) the applicant's interview; and

(7) In evaluating a competitive procurement under Subsection (6), the office may not subdivide a standard or criteria described in Subsection (4) or (6), including an item related to cost, to require information not required under this chapter.

Section 7. Section **63N-20-103**, which is renumbered from Section 53F-4-403 is

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renumbered and amended to read:

~~[53F-4-403].~~ **63N-20-103. School district participation in UPSTART.**

(1) A school district ~~[may participate in UPSTART if the local school board agrees, or a]~~ shall ensure that UPSTART is available to all schools within the school district.

(2) A public or a private preschool provider may participate in UPSTART if the public or private preschool provider agrees[;] to work in cooperation with the contractor to provide administrative and technical support for UPSTART.

~~[(2) A contractor may require a local school board or private preschool provider participating in UPSTART to enter into an agreement with the contractor to:]~~

(3) ~~{A contractor shall enter into an agreement with each}~~ Each local school board or public or private {preschool} provider participating in UPSTART may enter into an agreement with a contractor to:

- (a) dictate targets for program usage and terms for failure to meet those targets;
- (b) determine data sharing terms; and
- (c) agree to other reasonable terms required for successful implementation.

Section ~~{7}~~8. Section **63N-20-104**, which is renumbered from Section 53F-4-404 is renumbered and amended to read:

~~[53F-4-404].~~ **63N-20-104. Family participation in UPSTART -- Priority enrollment.**

(1) The contractor shall ~~[;]~~ in partnership with the office,

~~[(a)]~~ solicit families to participate in UPSTART through a public information campaign, outreach programs, and referrals from [participating] local school districts ~~[; and]~~, the Department of Workforce Services, and participating preschool providers ~~{; 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) For purposes of Subsection (1), upon request from the office, the Department of Workforce Services shall provide the office with necessary data to identify preschool children and families across the state who may benefit from 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]~~

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~~[(c) be given preference to participate if the preschool children are qualifying participants.]~~

~~[(3)(2)]~~ (a) In a contract entered into with an educational technology provider as described in Section ~~[53F-4-402]~~ 63N-20-102, the ~~[state board]~~ {GO Utah} office 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)]~~ (b) The contractor shall annually provide participant information to the ~~[state board]~~ {GO Utah} office as part of the verification process.

~~[(d)]~~ (c) A ~~[qualifying]~~ participant may obtain a computer ~~[and]~~, a tablet, or other electronic or 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.

~~[(3)4]~~ In a contract with an educational technology provider as described in Section 63N-20-102, the {GO Utah} office shall determine the ~~{statewide}~~ cost of ~~{the}~~ UPSTART{ program} based on the following:

(a) a defined recruitment plan to solicit families to participate in UPSTART, including through a public information campaign and referrals that prioritize participants who:

(i) are eligible for child care subsidies under the Child Care and Development Block Grant program, 42 U.S.C. Secs. 9857-9858r;

(ii) are eligible for a federally assisted meal program that provides funds to licensed child care centers as authorized under Section 53E-3-501; or

(iii) meet other criteria based on state need as the {GO Utah} office establishes;

(b) adaptive software;

(c) parent engagement and resources;

(d) validated assessment;

(e) educational technology, including a computer, a tablet, or other electronic or peripheral equipment, and Internet for eligible participants; and

(f) reporting for stakeholders, including parents, schools, and the Legislature.

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~~[(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)]~~ (5) A preschool child may only participate in UPSTART through legislative funding once. ~~{}}~~

Section ~~{8}~~9. Section **63N-20-106**, which is renumbered from Section 53F-4-406 is renumbered and amended to read:

~~[53F-4-406].~~ **63N-20-106. 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]~~ {GO Utah} office shall:

(a) require ~~[by contract that]~~ the contractor ~~[with]~~ to open ~~[its]~~ the contractor's books and records relating to ~~[its]~~ the contractor's 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 53G-7-203 to evaluate whether the contractor has effectively prepared preschool children for academic success as described in Section ~~[53F-4-402]~~ 63N-20-102.

(4) Of the money appropriated by the Legislature for UPSTART, ~~[excluding funds used to provide computers, { tablets, or other electronic or } 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.

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Section ~~9~~10. Section **63N-20-107**, which is renumbered from Section 53F-4-407 is renumbered and amended to read:

~~[53F-4-407].~~ **63N-20-107. Annual report.**

(1) The ~~[state board]~~ ~~GO Utah~~ office shall make a report on UPSTART in accordance with Section 53E-1-201.

(2) The report shall:

(a) address the extent to which UPSTART is accomplishing the program's purposes ~~[for which it was established as specified]~~ as described in Section ~~[53F-4-402]~~ 63N-20-102; and

(b) include the following information:

(i) the number of families:

~~[(A) volunteering to participate in the program;]~~

~~[(B) selected to participate in the program;]~~

~~[(C) requesting computers; and]~~

~~[(D) furnished computers;]~~

(A) participating in the program;

(B) who receive computers, tablets, or other electronic or peripheral equipment, and Internet service; and

(ii) the number of private preschool providers and public preschool providers participating in the program;

(iii) the frequency of use of the instructional software;

(iv) obstacles encountered with software usage, hardware, or providing technical assistance to families;

(v) student performance on entry and exit kindergarten assessments conducted by school districts and charter schools for students who participated in the home-based educational technology program and those who did not participate in the program; and

(vi) as available, the evaluation of the program conducted pursuant to Section ~~[53F-4-406]~~ ~~63N-20-206~~ 63N-20-106.