

FULL-DAY KINDERGARTEN

2022 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill amends provisions related to optional enhanced kindergarten.

Highlighted Provisions:

This bill:

- ▶ clarifies that kindergarten remains optional;
- ▶ establishes distribution standards for the distribution of increased funding for the optional enhanced kindergarten grant program;
- ▶ requires the Public Education Appropriations Subcommittee to study the feasibility of transferring ongoing appropriations for optional enhanced kindergarten to the weighted pupil unit if those appropriations reach a certain threshold;
- ▶ relocates a requirement for kindergarten entry and exit assessments from the

29 optional enhanced kindergarten grant program;

30 ▶ amends a definition and school year provisions in relation to a preschool reading
31 program; and

32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 This bill appropriates in fiscal year 2023:

35 ▶ to the Minimum School Program - Related to Basic School Programs:

36 • From the Uniform School Fund, \$12,200,000.

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **35A-15-102**, as last amended by Laws of Utah 2020, Chapter 171

42 **53E-4-314**, as last amended by Laws of Utah 2020, Chapter 171

43 **53F-2-507**, as last amended by Laws of Utah 2020, Chapter 171

44 **53F-4-401**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14

45 **53F-4-404**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14

46 **53F-4-406**, as last amended by Laws of Utah 2020, Chapter 171

47 **53G-7-203**, as last amended by Laws of Utah 2019, Chapter 293



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

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

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

52 As used in this chapter:

53 (1) "Board" means the School Readiness Board, created in Section **35A-15-201**.

54 (2) "Economically disadvantaged" means to be eligible to receive free or reduced price
55 lunch.

56 (3) "Eligible home-based educational technology provider" means a provider that

57 offers a home-based educational technology program to develop the school readiness skills of
58 an eligible student.

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

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

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

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

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

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

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

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

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

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

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

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

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

77 (ii) is an English learner.

78 (7) "Evaluation" means an evaluation conducted in accordance with Section
79 [35A-15-303](#).

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

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

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

85 (9) "Investor" means a person that enters into a results-based contract to provide
86 funding to a high quality school readiness program on the condition that the person will receive
87 payment in accordance with Section [35A-15-402](#) if the high quality school readiness program
88 meets the performance outcome measures included in the results-based contract.

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

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

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

95 (13) "Performance outcome measure" means:

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

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

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

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

101 (b) includes a performance outcome measure; and

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

104 (15) "Risk factor" means:

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

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

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

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

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

110 (f) having ever been in foster care;

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

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

- 113 (i) physical abuse or domestic violence;
- 114 (ii) substance abuse;
- 115 (iii) the death or chronic illness of a parent or sibling; or
- 116 (iv) mental illness;
- 117 (i) the primary language spoken in a child's home is a language other than English; or
- 118 (j) having at least one parent who has not completed high school.
- 119 (16) "School readiness assessment" means the same as that term is defined in Section
- 120 [53E-4-314](#).

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

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

123 **53E-4-314. School readiness assessment.**

124 (1) As used in this section:

125 (a) "School readiness assessment" means a preschool entry and exit profile that

126 measures literacy, numeracy, and lifelong learning practices developed in a student.

127 (b) "School readiness program" means a preschool program:

128 (i) in which a student participates in the year before the student is expected to enroll in

129 kindergarten; and

130 (ii) that receives funding under Title 35A, Chapter 15, Preschool Programs.

131 (2) The state board shall develop a school readiness assessment that aligns with the

132 kindergarten entry and exit assessment described in Section [~~53F-2-507~~] [53G-7-203](#).

133 (3) A school readiness program shall:

134 (a) except as provided in Subsection (4), administer to each student who participates in

135 the school readiness program the school readiness assessment at the beginning and end of the

136 student's participation in the school readiness program; and

137 (b) report the results of the assessments described in Subsection (3)(a) or (4) to the

138 School Readiness Board created in Section [35A-15-201](#).

139 (4) In place of the assessments described in Subsection (3)(a), a school readiness

140 program that is offered through home-based technology may administer to each student who

141 participates in the school readiness program:

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

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

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

148 (i) a private child care provider; or

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

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

154 Section 3. Section 53F-2-507 is amended to read:

155 **53F-2-507. Enhanced kindergarten early intervention program.**

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

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

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

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

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

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

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

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

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

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

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

176 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter
177 schools with the greatest need for an enhanced kindergarten program, as determined by the
178 state board in consultation with the State Charter School Board;

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

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

181 (ii) multiplying the result by 20; and

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

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

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

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

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

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

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

194 ~~[(6) For an LEA that receives funds under Subsection (4): (a) the LEA shall report to
195 the state board the results of the entry and exit assessments described in Subsection (5)(a) in
196 relation to each kindergarten student in the LEA; and (b) the LEA is not eligible for~~

197 ~~subsequent distributions under Subsection (4) unless the results of the entry and exit~~
198 ~~assessments demonstrate successful outcomes of the LEA's enhanced kindergarten program, as~~
199 ~~determined by the board.]~~

200 (5) Notwithstanding Subsection (4), the state board shall:

201 (a) distribute any increased funds appropriated under this section after January 1, 2022,
202 for a full-day kindergarten program described in Subsection 53G-7-203(5) to LEAs with the
203 greatest need for a full-day kindergarten program, as determined by the state board; and

204 (b) in making the distribution described in Subsection (5)(a), consider geography,
205 socioeconomic need, the LEA's receipt of ongoing federal funding, and efforts to expand
206 full-day kindergarten statewide.

207 (6) If the amount appropriated for kindergarten under this section is equal to or greater
208 than 80% of the potential cost of adjusting the WPU weighting for a kindergarten student under
209 Section 53F-2-302 to a full WPU, the Public Education Appropriations Subcommittee shall
210 study the feasibility of transferring kindergarten funding to the WPU.

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

212 **53F-4-401. Definitions.**

213 As used in this part:

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

216 (2) "Intergenerational poverty" means the same as that term is defined in Section
217 35A-9-102.

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

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

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

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

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

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

225 (B) except as provided in Subsection (4)(b)(ii), is exempt from licensure under Section
226 26-39-403; and

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

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

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

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

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

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

235 (a) resides within the boundaries of a qualifying school as determined under Section
236 53G-6-302; or

237 (b) is enrolled in a qualifying preschool.

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

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

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

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

244 (8) "Qualifying school" means a school district elementary school that:

245 (a) has at least 50% of students who were eligible to receive free or reduced lunch the
246 previous school year;

247 (b) is a school with a high percentage, as determined by the Department of Workforce
248 Services through rule and based on the previous school year enrollments, of students
249 experiencing intergenerational poverty; or

250 (c) is located in one of the following school districts:

251 (i) Beaver School District;

252 (ii) Carbon School District;

- 253 (iii) Daggett School District;
- 254 (iv) Duchesne School District;
- 255 (v) Emery School District;
- 256 (vi) Garfield School District;
- 257 (vii) Grand School District;
- 258 (viii) Iron School District;
- 259 (ix) Juab School District;
- 260 (x) Kane School District;
- 261 (xi) Millard School District;
- 262 (xii) Morgan School District;
- 263 (xiii) North Sanpete School District;
- 264 (xiv) North Summit School District;
- 265 (xv) Piute School District;
- 266 (xvi) Rich School District;
- 267 (xvii) San Juan School District;
- 268 (xviii) Sevier School District;
- 269 (xix) South Sanpete School District;
- 270 (xx) South Summit School District;
- 271 (xxi) Tintic School District;
- 272 (xxii) Uintah School District; or
- 273 (xxiii) Wayne School District.

274 (9) "UPSTART" means the project established by Section [53F-4-402](#) that uses a
275 home-based educational technology program to develop school readiness skills of preschool
276 children.

277 Section 5. Section **53F-4-404** is amended to read:

278 **53F-4-404. Family participation in UPSTART -- Priority enrollment.**

279 (1) The contractor shall:

280 (a) solicit families to participate in UPSTART through a public information campaign

281 and referrals from participating school districts; and

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

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

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

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

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

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

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

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

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

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

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

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

305 (b) The state board and the contractor shall annually post on their websites information
306 on purchasing a home-based educational technology program as provided in Subsection (4)(a).

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

309 (d) Subsection (4)(c) does not apply to a preschool child who, in the 2021-2022 or
310 2022-2023 school year:

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

313 Section 6. Section **53F-4-406** is amended to read:

314 **53F-4-406. Audit and evaluation.**

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

- 316 (a) conduct an audit of the contractor's use of funds for UPSTART; or
- 317 (b) contract with an independent certified public accountant to conduct an audit.

318 (2) The state board shall:

- 319 (a) require by contract that the contractor will open its books and records relating to its
320 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;
- 321 (b) reimburse the state auditor for the actual and necessary costs of the audit; and
- 322 (c) contract with an independent, qualified evaluator, selected through a request for
323 proposals process, to evaluate the home-based educational technology program for preschool
324 children.

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

329 (4) Of the money appropriated by the Legislature for UPSTART, excluding funds used
330 to provide computers, peripheral equipment, and Internet service to families, no more than
331 7.5% of the appropriation not to exceed \$600,000 may be used for the evaluation and
332 administration of the program.

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

334 **53G-7-203. Kindergartens -- Establishment -- Funding -- Assessment.**

- 335 (1) Kindergartens are an integral part of the state's public education system.
- 336 (2) (a) Each local school board shall provide kindergarten classes free of charge for

337 kindergarten children residing within the district.

338 (b) Nothing in this Subsection (2):

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

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

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

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

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

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

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

350 (b) An LEA shall:

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

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

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

359 **Section 8. Appropriation.**

360 The following sums of money are appropriated for the fiscal year beginning July 1,
361 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
362 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
363 Act, the Legislature appropriates the following sums of money from the funds or accounts
364 indicated for the use and support of the government of the state of Utah.

365	<u>To State Board of Education - Minimum School Program - Related to Basic School</u>	
366	<u>Programs</u>	
367	<u>From Uniform School Fund</u>	<u>\$12,200,000</u>
368	<u>Schedule of Programs:</u>	
369	<u>Early Intervention</u>	<u>\$12,200,000</u>