

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 for a home-based technology program for the UPSTART program;
- ▶ requires the GO Utah office to use procurement processes to contract with certain 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;



28 ▶ requires a contractor to enter into a contract with a school board or preschool to
29 implement the program;

30 ▶ requires the GO Utah office to determine costs associated with the program,
31 including:

32 • implementing campaigns and referrals to solicit families to participate in the
33 program; and

34 • technology costs;

35 ▶ amends audit reporting requirements; and

36 ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **35A-15-202**, as last amended by Laws of Utah 2022, Chapter 348

44 **53E-1-201**, as last amended by Laws of Utah 2022, Chapters 147, 229, 274, 285, 291,
45 354, and 461

46 **53E-4-308**, as last amended by Laws of Utah 2022, Chapter 461

47 RENUMBERS AND AMENDS:

48 **63N-20-101**, (Renumbered from 53F-4-401, as last amended by Laws of Utah 2022,
49 Chapter 316)

50 **63N-20-102**, (Renumbered from 53F-4-402, as last amended by Laws of Utah 2019,
51 Chapters 186, 342)

52 **63N-20-103**, (Renumbered from 53F-4-403, as last amended by Laws of Utah 2019,
53 Chapter 342)

54 **63N-20-104**, (Renumbered from 53F-4-404, as last amended by Laws of Utah 2022,
55 Chapter 316)

56 **63N-20-106**, (Renumbered from 53F-4-406, as last amended by Laws of Utah 2022,
57 Chapter 316)

58 **63N-20-107**, (Renumbered from 53F-4-407, as last amended by Laws of Utah 2019,

59 Chapters 186, 324 and 342)

60

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

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

63 **35A-15-202. Elements of a high quality school readiness program.**

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

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

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

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

73 (A) is teacher led or through a partnership with a contractor as defined in Section
74 ~~[53F-4-401]~~ [63N-20-101](#);

75 (B) includes specific literary and numeracy skills, such as phonological awareness; and

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

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

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

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

82 (ii) evaluates student progress to inform instruction;

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

84 (e) for a preschool program that an eligible LEA runs, a class size that does not exceed
85 20 students, with one adult for every 10 students in the class;

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

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

90 (h) only lead teachers who, by the lead teacher's second year, obtain at least:
 91 (i) the minimum standard of a child development associate certification; or
 92 (ii) an associate or bachelor's degree in an early childhood education related field; and
 93 (i) a kindergarten transition plan.
 94 (2) A high quality school readiness program that a home-based educational technology
 95 provider runs shall~~[:]~~ meet the requirements as provided in Title 63N, Chapter 20, Part 1,
 96 UPSTART.

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

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

102 ~~[(c) be aligned with the Utah core standards for preschool that the State Board of~~
 103 ~~Education adopts;]~~

104 ~~[(d) require the administration of a pre- and post-assessment of each student whose~~
 105 ~~parent or legal guardian consents to the assessment that, for a home-based technology program~~
 106 ~~that receives funding under this part, is designated by the board in accordance with Section~~
 107 ~~35A-15-402; and]~~

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

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

111 **53E-1-201. Reports to and action required of the Education Interim Committee.**

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

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

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

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

- 121 (d) the report described in Section [53B-1-402](#) by the Utah Board of Higher Education
122 on career and technical education issues and addressing workforce needs;
- 123 (e) the annual report of the Utah Board of Higher Education described in Section
124 [53B-1-402](#);
- 125 (f) the reports described in Section [53B-28-401](#) by the Utah Board of Higher Education
126 regarding activities related to campus safety;
- 127 (g) the State Superintendent's Annual Report by the state board described in Section
128 [53E-1-203](#);
- 129 (h) the annual report described in Section [53E-2-202](#) by the state board on the strategic
130 plan to improve student outcomes;
- 131 (i) the report described in Section [53E-8-204](#) by the state board on the Utah Schools for
132 the Deaf and the Blind;
- 133 (j) the report described in Section [53E-10-703](#) by the Utah Leading through Effective,
134 Actionable, and Dynamic Education director on research and other activities;
- 135 (k) the report described in Section [53F-2-522](#) regarding mental health screening
136 programs;
- 137 (l) the report described in Section [53F-4-203](#) by the state board and the independent
138 evaluator on an evaluation of early interactive reading software;
- 139 (m) the report described in Section [~~53F-4-407~~] [63N-20-107](#) by [~~the state board~~] the
140 GO Utah office on UPSTART;
- 141 (n) the reports described in Sections [53F-5-214](#) and [53F-5-215](#) by the state board
142 related to grants for professional learning and grants for an elementary teacher preparation
143 assessment;
- 144 (o) upon request, the report described in Section [53F-5-219](#) by the state board on the
145 Local Innovations Civics Education Pilot Program;
- 146 (p) the report described in Section [53F-5-405](#) by the State Board of Education
147 regarding an evaluation of a partnership that receives a grant to improve educational outcomes
148 for students who are low income;
- 149 (q) the report described in Section [53B-35-202](#) regarding the Higher Education and
150 Corrections Council;
- 151 (r) the report described in Section [53G-7-221](#) by the State Board of Education

152 regarding innovation plans; and

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

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

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

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

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

164 (d) if required, the report described in Section 53E-5-210 by the state board of an
165 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

166 (e) in 2022 and in 2023, on or before November 30, the report described in Subsection
167 53E-10-309(7) related to the PRIME pilot program;

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

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

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

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

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

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

182 (l) the report described in Section 62A-15-117 by the Division of Substance Abuse and

183 Mental Health, the State Board of Education, and the Department of Health regarding
184 recommendations related to Medicaid reimbursement for school-based health services.

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

186 **53E-4-308. Unique student identifier -- Coordination of higher education and**
187 **public education information technology systems -- Coordination of preschool and public**
188 **education information technology systems.**

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

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

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

194 (2) The state board, through the state superintendent, shall assign each public education
195 student a unique student identifier, which shall be used to track individual student performance
196 on achievement tests administered under this part.

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

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

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

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

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

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

213 Section 4. Section **63N-20-101**, which is renumbered from Section 53F-4-401 is

214 renumbered and amended to read:

215 ~~[53F-4-401].~~ 63N-20-101. Definitions.

216 As used in this part:

217 (1) "Contractor" means the educational technology provider selected by the state board
218 under Section ~~[53F-4-402]~~ 63N-20-102.

219 (2) "Intergenerational poverty" means the same as that term is defined in Section
220 35A-9-102.

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

222 (a) four or five years old; and

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

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

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

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

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

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

231 (b) "Private preschool provider" does not include ~~[(i) a residential certificate provider
232 described in Section 26-39-402; or (ii)]~~ a program exempt from licensure under Subsection
233 26-39-403(2)(c).

234 (5) "Public preschool" means a preschool program that is provided by a school district
235 ~~[or], a charter school[-], or the Head Start program.~~

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

237 ~~[(6) "Qualifying participant" means a preschool child who:]~~

238 ~~[(a) resides within the boundaries of a qualifying school as determined under Section
239 53G-6-302; or]~~

240 ~~[(b) is enrolled in a qualifying preschool;]~~

241 ~~[(7) "Qualifying preschool" means a public preschool or private preschool provider
242 that:]~~

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

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

247 ~~[(c) is located within the boundaries of a qualifying school.]~~

248 ~~[(8) "Qualifying school" means a school district elementary school that:]~~

249 ~~[(a) has at least 50% of students who were eligible to receive free or reduced lunch the~~
250 ~~previous school year;]~~

251 ~~[(b) is a school with a high percentage, as determined by the Department of Workforce~~
252 ~~Services through rule and based on the previous school year enrollments, of students~~
253 ~~experiencing intergenerational poverty; or]~~

254 ~~[(c) is located in one of the following school districts:]~~

255 ~~[(i) Beaver School District;]~~

256 ~~[(ii) Carbon School District;]~~

257 ~~[(iii) Daggett School District;]~~

258 ~~[(iv) Duchesne School District;]~~

259 ~~[(v) Emery School District;]~~

260 ~~[(vi) Garfield School District;]~~

261 ~~[(vii) Grand School District;]~~

262 ~~[(viii) Iron School District;]~~

263 ~~[(ix) Juab School District;]~~

264 ~~[(x) Kane School District;]~~

265 ~~[(xi) Millard School District;]~~

266 ~~[(xii) Morgan School District;]~~

267 ~~[(xiii) North Sanpete School District;]~~

268 ~~[(xiv) North Summit School District;]~~

269 ~~[(xv) Piute School District;]~~

270 ~~[(xvi) Rich School District;]~~

271 ~~[(xvii) San Juan School District;]~~

272 ~~[(xviii) Sevier School District;]~~

273 ~~[(xix) South Sanpete School District;]~~

274 ~~[(xx) South Summit School District;]~~

275 ~~[(xxi) Tintic School District;]~~

276 [~~xxii~~] ~~Uintah School District; or~~]

277 [~~xxiii~~] ~~Wayne School District.~~]

278 [(9)] (7) "UPSTART" means the [~~project established by~~] statewide program created in

279 Section [~~53F-4-402~~] 63N-20-102 that uses a home-based educational technology program and

280 parent engagement to develop school readiness skills of preschool children.

281 Section 5. Section **63N-20-102**, which is renumbered from Section 53F-4-402 is

282 renumbered and amended to read:

283 [~~53F-4-402~~]. **63N-20-102. UPSTART program to develop school readiness**

284 **skills of preschool children.**

285 (1) UPSTART, a [~~project~~] state-wide program that uses a home-based educational

286 technology program and parent engagement to develop school readiness skills of preschool

287 children, is established within the public education system.

288 (2) UPSTART is created to[~~;~~] provide preschool children access to a home-based

289 educational technology program with strong parental involvement that, through testing and

290 evaluation with the state, has:

291 [~~(a) evaluate the effectiveness of giving preschool children access, at home, to~~

292 ~~interactive individualized instruction delivered by computers and the Internet to prepare them~~

293 ~~academically for success in school; and]~~

294 [~~(b) test the feasibility of scaling a home-based curriculum in reading, math, and~~

295 ~~science delivered by computers and the Internet to all preschool children in Utah.]~~

296 (a) demonstrated the program's effectiveness in developing the school readiness of

297 preschool children across the state; and

298 (b) successfully scaled the virtual delivery of a curriculum in reading, math, and

299 science from a pilot program.

300 (3) (a) The [~~state board~~] GO Utah office shall contract with an educational technology

301 provider, [~~selected through a request for proposals process;~~] in accordance with Title 63G,

302 Chapter 6a, Part 7, Request for Proposals, for the delivery of a home-based educational

303 technology program for preschool children that meets the requirements of Subsection (4).

304 (b) In issuing a request for proposals, the GO Utah office may not subdivide a standard

305 or criteria described in Subsections (4) and (6), including an item related to cost, to require

306 information not required under this chapter.

307 ~~[(b)]~~ (c) Every five years, the ~~[state board]~~ GO Utah office may issue a new request for
 308 proposals described in this section.

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

311 (a) the contractor shall have:

312 (i) at least five years of experience in implementing a home-based educational
 313 technology program for preschool children; and

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

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

319 ~~[(b)]~~ (c) the contractor shall:

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

322 (ii) provide for the installation of a computer, a tablet, or other electronic or peripheral
 323 equipment, and Internet access ~~[in homes of qualifying participants described in Subsection~~
 324 ~~53F-4-404(3)(d)];~~

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

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

328 ~~[(c)]~~ (d) the contractor shall have the capability of doing the following through the
 329 Internet:

330 (i) communicating with parents;

331 (ii) updating the instructional software;

332 (iii) validating user access;

333 (iv) collecting usage data;

334 (v) storing research data; and

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

336 ~~[(d)]~~ (e) the program shall include the following components:

337 (i) ~~[computer-assisted,]~~ individualized software instruction in reading, mathematics,

338 and science[;] that:

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

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

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

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

345 (ii) a multisensory reading tutoring program; and

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

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

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

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

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

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

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

364 (ii) providing training to families; and

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

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

369 (6) The ~~[state board]~~ GO Utah office shall evaluate a proposal based ~~[on]~~ only upon the
 370 following criteria:

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

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

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

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

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

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

381 (e) the demonstrated abilities of the home-based educational technology program
 382 provider;

383 (f) the general functionality of the home-based educational technology program;

384 (g) the implementation of the home-based educational technology program; and

385 ~~[(d)]~~ (h) the per pupil cost of the home-based educational technology program.

386 Section 6. Section **63N-20-103**, which is renumbered from Section 53F-4-403 is
 387 renumbered and amended to read:

388 ~~[53F-4-403].~~ **63N-20-103. School district participation in UPSTART.**

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

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

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

396 (3) A contractor shall enter into an agreement with each local school board or public or
 397 private preschool provider participating in UPSTART to:

398 (a) dictate targets for program usage and terms for failure to meet those targets;

399 (b) determine data sharing terms; and

400 (c) agree to other reasonable terms required for successful implementation.

401 Section 7. Section **63N-20-104**, which is renumbered from Section 53F-4-404 is
402 renumbered and amended to read:

403 ~~[53F-4-404].~~ **63N-20-104. Family participation in UPSTART -- Priority**
404 **enrollment.**

405 (1) The contractor shall:

406 (a) solicit families to participate in UPSTART through a public information campaign
407 and referrals from ~~[participating]~~ school districts and participating preschool providers; and

408 (b) work with the Department of Workforce Services and the state board to solicit
409 participation from families ~~[of qualifying participants]~~ to participate in UPSTART.

410 ~~[(2) Preschool children who participate in UPSTART shall:]~~

411 ~~[(a) be from families with diverse socioeconomic and ethnic backgrounds;]~~

412 ~~[(b) reside in different regions of the state in both urban and rural areas; and]~~

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

415 ~~[(3)]~~ (2) (a) In a contract entered into with an educational technology provider as
416 described in Section ~~[53F-4-402]~~ 63N-20-102, the ~~[state board]~~ GO Utah office shall require
417 the provider to prioritize enrollment of ~~[qualified]~~ participants based on a first come, first
418 served basis.

419 ~~[(b) The state board shall provide a list of qualifying schools and qualifying preschools~~
420 ~~and other applicable information to the contractor for verification of qualifying participants.]~~

421 ~~[(c)]~~ (b) The contractor shall annually provide participant information to the ~~[state~~
422 ~~board]~~ GO Utah office as part of the verification process.

423 ~~[(d)]~~ (c) A ~~[qualifying]~~ participant may obtain a computer ~~[and]~~, a tablet, or other
424 electronic or peripheral equipment on loan and receive free Internet service for the duration of
425 the [qualified] participant's participation in UPSTART if the [qualifying] participant:

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

427 (ii) the ~~[qualifying]~~ participant participates in UPSTART at home.

428 (3) In a contract with an educational technology provider as described in Section
429 63N-20-102, the GO Utah office shall determine the statewide cost of the UPSTART program
430 based on the following:

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

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

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

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

438 (b) adaptive software;

439 (c) parent engagement and resources;

440 (d) validated assessment;

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

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

444 ~~[(4) (a) The contractor shall make the home-based educational technology program~~
 445 ~~available to families at a cost agreed upon by the state board and the contractor if the number of~~
 446 ~~families who would like to participate in UPSTART exceeds the number of participants funded~~
 447 ~~by the legislative appropriation.]~~

448 ~~[(b) The state board and the contractor shall annually post on their websites~~
 449 ~~information on purchasing a home-based educational technology program as provided in~~
 450 ~~Subsection (4)(a).]~~

451 ~~[(c) A preschool child may only participate in UPSTART through legislative funding~~
 452 ~~once.]~~

453 Section 8. Section **63N-20-106**, which is renumbered from Section 53F-4-406 is
 454 renumbered and amended to read:

455 ~~[53F-4-406].~~ **63N-20-106. Audit and evaluation.**

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

457 (a) conduct an audit of the contractor's use of funds for UPSTART; or

458 (b) contract with an independent certified public accountant to conduct an audit.

459 (2) The ~~[state board]~~ GO Utah office shall:

460 (a) require ~~[by contract that]~~ the contractor ~~[will]~~ to open [its] the contractor's books
 461 and records relating to [its] the contractor's expenditure of funds [pursuant to the contract] to

462 the state auditor or the state auditor's designee;

463 (b) reimburse the state auditor for the actual and necessary costs of the audit; and

464 (c) contract with an independent, qualified evaluator, selected through a request for
465 proposals process, to evaluate the home-based educational technology program [~~for preschool~~
466 ~~children~~].

467 (3) The evaluator described in Subsection (2)(c) shall use, among other indicators,
468 assessment scores from an assessment described in Section [53G-7-203](#) to evaluate whether the
469 contractor has effectively prepared preschool children for academic success as described in
470 Section [~~53F-4-402~~] [63N-20-102](#).

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

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

477 [~~53F-4-407~~]. **63N-20-107. Annual report.**

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

480 (2) The report shall:

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

484 (b) include the following information:

485 (i) the number of families:

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

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

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

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

490 (A) participating in the program;

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

- 493 (ii) the number of private preschool providers and public preschool providers
494 participating in the program;
- 495 (iii) the frequency of use of the instructional software;
- 496 (iv) obstacles encountered with software usage, hardware, or providing technical
497 assistance to families;
- 498 (v) student performance on entry and exit kindergarten assessments conducted by
499 school districts and charter schools for students who participated in the home-based
500 educational technology program and those who did not participate in the program; and
- 501 (vi) as available, the evaluation of the program conducted pursuant to Section
502 [~~53F-4-406~~] [63N-20-206](#).