

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: Mike Schultz

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 Governor's Office of Economic Opportunity (office);
- ▶ amends procurement standards for a home-based technology program for the UPSTART program;
- ▶ requires the 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



- 26 participate in the program;
- 27 ▶ provides for an existing contract between the State Board of Education and a
- 28 contractor to be transferred to the office;
- 29 ▶ provides for existing program funds to be used for outreach to identify families to
- 30 participate in the program;
- 31 ▶ requires the Department of Workforce Services to provide data requested by the
- 32 office to assist in identifying families for the program;
- 33 ▶ requires the office to determine costs associated with the program, including:
- 34 • implementing campaigns and referrals to solicit families to participate in the
- 35 program; and
- 36 • technology costs;
- 37 ▶ amends audit reporting requirements; and
- 38 ▶ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **35A-15-202**, as last amended by Laws of Utah 2022, Chapter 348

46 **53E-1-201**, as last amended by Laws of Utah 2022, Chapters 147, 229, 274, 285, 291,

47 354, and 461

48 **53E-4-308**, as last amended by Laws of Utah 2022, Chapter 461

49 **63I-2-253**, as last amended by Laws of Utah 2022, Chapters 208, 229, 274, 354, 370,

50 and 409

51 RENUMBERS AND AMENDS:

52 **63N-20-101**, (Renumbered from 53F-4-401, as last amended by Laws of Utah 2022,

53 Chapter 316)

54 **63N-20-102**, (Renumbered from 53F-4-402, as last amended by Laws of Utah 2019,

55 Chapters 186, 342)

56 **63N-20-103**, (Renumbered from 53F-4-403, as last amended by Laws of Utah 2019,

57 Chapter 342)

58 **63N-20-104**, (Renumbered from 53F-4-404, as last amended by Laws of Utah 2022,

59 Chapter 316)

60 **63N-20-106**, (Renumbered from 53F-4-406, as last amended by Laws of Utah 2022,

61 Chapter 316)

62 **63N-20-107**, (Renumbered from 53F-4-407, as last amended by Laws of Utah 2019,

63 Chapters 186, 324 and 342)

64

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

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

67 **35A-15-202. Elements of a high quality school readiness program.**

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

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

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

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

77 (A) is teacher led or through a partnership with a contractor as defined in Section
78 ~~[53F-4-401]~~ 63N-20-101;

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

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

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

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

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

87 (ii) evaluates student progress to inform instruction;

- 88 (d) administration of the school readiness assessment to each student;
- 89 (e) for a preschool program that an eligible LEA runs, a class size that does not exceed
- 90 20 students, with one adult for every 10 students in the class;
- 91 (f) ongoing program evaluation and data collection to monitor program goal
- 92 achievement and implementation of required program components;
- 93 (g) family engagement, including ongoing communication between home and school,
- 94 and parent education opportunities based on each family's circumstances;
- 95 (h) only lead teachers who, by the lead teacher's second year, obtain at least:
- 96 (i) the minimum standard of a child development associate certification; or
- 97 (ii) an associate or bachelor's degree in an early childhood education related field; and
- 98 (i) a kindergarten transition plan.

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

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

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

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

109 ~~[(d) require the administration of a pre- and post-assessment of each student whose~~
110 ~~parent or legal guardian consents to the assessment that, for a home-based technology program~~
111 ~~that receives funding under this part, is designated by the board in accordance with Section~~
112 ~~35A-15-402; and]~~

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

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

116 **53E-1-201. Reports to and action required of the Education Interim Committee.**

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

- 119 (a) the report described in Section 9-22-109 by the STEM Action Center Board,
120 including the information described in Section 9-22-113 on the status of the computer science
121 initiative and Section 9-22-114 on the Computing Partnerships Grants Program;
- 122 (b) the prioritized list of data research described in Section 53B-33-302 and the report
123 on research and activities described in Section 53B-33-304 by the Utah Data Research Center;
- 124 (c) the report described in Section 35A-15-303 by the State Board of Education on
125 preschool programs;
- 126 (d) the report described in Section 53B-1-402 by the Utah Board of Higher Education
127 on career and technical education issues and addressing workforce needs;
- 128 (e) the annual report of the Utah Board of Higher Education described in Section
129 53B-1-402;
- 130 (f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education
131 regarding activities related to campus safety;
- 132 (g) the State Superintendent's Annual Report by the state board described in Section
133 53E-1-203;
- 134 (h) the annual report described in Section 53E-2-202 by the state board on the strategic
135 plan to improve student outcomes;
- 136 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for
137 the Deaf and the Blind;
- 138 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,
139 Actionable, and Dynamic Education director on research and other activities;
- 140 (k) the report described in Section 53F-2-522 regarding mental health screening
141 programs;
- 142 (l) the report described in Section 53F-4-203 by the state board and the independent
143 evaluator on an evaluation of early interactive reading software;
- 144 (m) the report described in Section [~~53F-4-407~~] 63N-20-107 by [~~the state board~~] the
145 Governor's Office of Economic Opportunity on UPSTART;
- 146 (n) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board
147 related to grants for professional learning and grants for an elementary teacher preparation
148 assessment;
- 149 (o) upon request, the report described in Section 53F-5-219 by the state board on the

150 Local Innovations Civics Education Pilot Program;

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

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

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

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

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

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

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

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

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

171 (e) in 2022 and in 2023, on or before November 30, the report described in Subsection
172 53E-10-309(7) related to the PRIME pilot program;

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

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

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

180 (i) upon request, a report described in Section 53G-7-222 by an LEA regarding

181 expenditure of a percentage of state restricted funds to support an innovative education
182 program;

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

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

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

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

191 **53E-4-308. Unique student identifier -- Coordination of higher education and**
192 **public education information technology systems -- Coordination of preschool and public**
193 **education information technology systems.**

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

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

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

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

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

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

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

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

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

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

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

220 **63I-2-253. Repeal dates: Titles 53 through 53G.**

221 [~~(1) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a~~
222 ~~technical college board of trustees, is repealed July 1, 2022.~~]

223 [~~(b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and~~
224 ~~General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make~~
225 ~~necessary changes to subsection numbering and cross references.~~]

226 [~~(2)] (1) Section 53B-6-105.7 is repealed July 1, 2024.~~

227 [~~(3)] (2) Section 53B-7-707 regarding performance metrics for technical colleges is~~
228 ~~repealed July 1, 2023.~~

229 [~~(4)] (3) Section 53B-8-114 is repealed July 1, 2024.~~

230 [~~(5)] (4) The following provisions, regarding the Regents' scholarship program, are~~
231 ~~repealed on July 1, 2023:~~

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

234 (b) Section 53B-8-202;

235 (c) Section 53B-8-203;

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

237 (e) Section 53B-8-205.

238 [~~(6)] (5) Section 53B-10-101 is repealed on July 1, 2027.~~

239 [~~(7)] (6) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is~~
240 ~~repealed July 1, 2023.~~

241 [~~(8)] (7) Subsection 53E-1-201(1)(s) regarding the report by the Educational~~
242 ~~Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.~~

243 [(9)] (8) Section 53E-1-202.2, regarding a Public Education Appropriations
244 Subcommittee evaluation and recommendations, is repealed January 1, 2024.

245 [(10)] (9) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed
246 July 1, 2024.

247 [(11)] (10) In Subsections 53F-2-205(4) and (5), regarding the State Board of
248 Education's duties if contributions from the minimum basic tax rate are overestimated or
249 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
250 2023.

251 [(12)] (11) Section 53F-2-209, regarding local education agency budgetary flexibility,
252 is repealed July 1, 2024.

253 [(13)] (12) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
254 repealed July 1, 2023.

255 [(14)] (13) Section 53F-2-302.1, regarding the Enrollment Growth Contingency
256 Program, is repealed July 1, 2023.

257 [(15)] (14) Subsection 53F-2-314(4), relating to a one-time expenditure between the
258 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

259 [(16)] (15) Section 53F-2-524, regarding teacher bonuses for extra work assignments,
260 is repealed July 1, 2024.

261 [(17)] (16) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as
262 applicable" is repealed July 1, 2023.

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

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

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

268 [(21)] (17) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as
269 applicable" is repealed July 1, 2023.

270 [(22)] (18) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
271 applicable" is repealed July 1, 2023.

272 [(23)] (19) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
273 applicable" is repealed July 1, 2023.

274 ~~[(24)]~~ (20) In Subsection [53G-3-304\(1\)\(c\)\(i\)](#), the language that states "or [53F-2-301.5](#),
275 as applicable" is repealed July 1, 2023.

276 ~~[(25)]~~ (21) On July 1, 2023, when making changes in this section, the Office of
277 Legislative Research and General Counsel shall, in addition to the office's authority under
278 Subsection [36-12-12\(3\)](#), make corrections necessary to ensure that sections and subsections
279 identified in this section are complete sentences and accurately reflect the office's perception of
280 the Legislature's intent.

281 Section 5. Section **63N-20-101**, which is renumbered from Section [53F-4-401](#) is
282 renumbered and amended to read:

283 ~~[53F-4-401].~~ **63N-20-101. Definitions.**

284 As used in this part:

285 (1) "Contractor" means the educational technology provider ~~[selected by the state~~
286 ~~board]~~ that the Governor's Office of Economic Opportunity selects under Section [\[53F-4-402\]](#)
287 [63N-20-102](#).

288 (2) "Office" means the Governor's Office of Economic Opportunity created in Section
289 [63N-1a-301](#).

290 ~~[(2) "Intergenerational poverty" means the same as that term is defined in Section~~
291 ~~[35A-9-102](#).]~~

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

293 (a) four or five years old; and

294 (b) not eligible for enrollment under Subsection [53G-4-402\(6\)](#).

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

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

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

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

301 (ii) is a residential certificate provider described in Section [26-39-402](#).

302 (b) "Private preschool provider" does not include[;]

303 ~~[(i) a residential certificate provider described in Section [26-39-402](#); or]~~

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

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

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

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

309 [~~(a) resides within the boundaries of a qualifying school as determined under Section~~
310 ~~53G-6-302; or~~]

311 [~~(b) is enrolled in a qualifying preschool.~~]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

336 [~~(xi) Millard School District;~~]
 337 [~~(xii) Morgan School District;~~]
 338 [~~(xiii) North Sanpete School District;~~]
 339 [~~(xiv) North Summit School District;~~]
 340 [~~(xv) Piute School District;~~]
 341 [~~(xvi) Rich School District;~~]
 342 [~~(xvii) San Juan School District;~~]
 343 [~~(xviii) Sevier School District;~~]
 344 [~~(xix) South Sanpete School District;~~]
 345 [~~(xx) South Summit School District;~~]
 346 [~~(xxi) Tintic School District;~~]
 347 [~~(xxii) Uintah School District; or~~]
 348 [~~(xxiii) Wayne School District.~~]

349 [(9)] (7) "UPSTART" means the [~~project established by~~] statewide program created in
 350 Section [~~53F-4-402~~] 63N-20-102 that uses a home-based educational technology program and
 351 parent engagement to develop school readiness skills of preschool children.

352 Section 6. Section **63N-20-102**, which is renumbered from Section 53F-4-402 is
 353 renumbered and amended to read:

354 [~~53F-4-402~~]. **63N-20-102. UPSTART program to develop school readiness**
 355 **skills of preschool children.**

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

359 (2) UPSTART is created to:

360 (a) provide preschool children across the state access to a home-based educational
 361 technology program with strong parental involvement;

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

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

367 (b) develop the school readiness of preschool children across the state; and

368 (c) deliver curriculum in reading, math, and science to preschool children across the
369 state.

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

374 (b) The office shall assume the rights and duties of the state board in any contract into
375 which the state board entered with a contractor that exists on May 3, 2023:

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

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

379 ~~[(b)]~~ (c) Every five years, the [state board] office may issue a new [request for
380 proposals] competitive procurement to meet the requirements described in this section.

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

383 (a) the contractor shall have:

384 (i) at least three years of experience in implementing a home-based educational
385 technology program for preschool children; and

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

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

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

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

394 (ii) provide for the installation of a computer, a tablet, or other electronic or peripheral
395 equipment, and Internet access [in homes of qualifying participants described in Subsection
396 53F-4-404(3)(d)];

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

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

400 ~~[(e)]~~ (d) the contractor shall have the capability of doing the following through the
401 Internet:

- 402 (i) communicating with parents;
- 403 (ii) updating the instructional software;
- 404 (iii) validating user access;
- 405 (iv) collecting usage data;
- 406 (v) storing research data; and
- 407 (vi) producing reports for parents, schools, and the Legislature;

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

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

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

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

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

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

417 (ii) a multisensory reading tutoring program; and

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

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

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

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

428 ~~[(g)]~~ the contractor shall solicit families to participate in the program as provided in

429 Section ~~53F-4-404~~; and]

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

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

436 (ii) providing training to families; and

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

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

441 (6) The ~~[state board]~~ office shall evaluate a proposal based ~~[on]~~ only upon the
442 following criteria:

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

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

446 (i) the office has previously awarded a contract to the home-based educational
447 technology program provider under this part; or

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

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

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

453 (d) the per pupil cost of the home-based educational technology program~~[-]~~;

454 (e) any of the following specifically related to a criterion described in Subsections

455 (6)(a) through (d):

456 (i) the experience of the home-based educational technology provider;

457 (ii) the demonstrated abilities of the home-based educational technology provider;

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

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

460 (v) the applicant's interview; and

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

464 Section 7. Section **63N-20-103**, which is renumbered from Section 53F-4-403 is
465 renumbered and amended to read:

466 ~~[53F-4-403].~~ **63N-20-103. School district participation in UPSTART.**

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

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

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

474 (3) Each local school board or public or private provider participating in UPSTART
475 may enter into an agreement with a contractor to:

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

479 Section 8. Section **63N-20-104**, which is renumbered from Section 53F-4-404 is
480 renumbered and amended to read:

481 ~~[53F-4-404].~~ **63N-20-104. Family participation in UPSTART -- Priority**
482 **enrollment.**

483 (1) The contractor shall[;], in partnership with the office,
484 [(a)] solicit families to participate in UPSTART through a public information
485 campaign, outreach programs, and referrals from [participating] local school districts[; and],
486 the Department of Workforce Services, and participating preschool providers.

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

489 (2) For purposes of Subsection (1), upon request from the office, the Department of
490 Workforce Services shall provide the office with necessary data to identify preschool children

491 and families across the state who may benefit from UPSTART.

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

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

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

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

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

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

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

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

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

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

509 (4) In a contract with an educational technology provider as described in Section
510 63N-20-102, the office shall determine the cost of UPSTART based on the following:

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

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

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

517 (iii) meet other criteria based on state need as the office establishes;

518 (b) adaptive software;

519 (c) parent engagement and resources;

520 (d) validated assessment;

521 (e) educational technology, including a computer, a tablet, or other electronic or

522 peripheral equipment, and Internet for eligible participants; and

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

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

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

531 ~~[(c)]~~ (5) A preschool child may only participate in UPSTART through legislative
532 funding once.

533 Section 9. Section **63N-20-106**, which is renumbered from Section 53F-4-406 is
534 renumbered and amended to read:

535 ~~[53F-4-406].~~ **63N-20-106. Audit and evaluation.**

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

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

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

539 (2) The ~~[state board]~~ office shall:

540 (a) require ~~[by contract that]~~ the contractor ~~[will]~~ to open [its] the contractor's books
541 and records relating to [its] the contractor's expenditure of funds ~~[pursuant to the contract]~~ to
542 the state auditor or the state auditor's designee;

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

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

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

551 (4) Of the money appropriated by the Legislature for UPSTART, ~~[excluding funds~~
552 ~~used to provide computers, peripheral equipment, and Internet service to families;]~~ no more

553 than 7.5% of the appropriation not to exceed \$600,000 may be used for the evaluation and
554 administration of the program.

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

557 ~~[53F-4-407].~~ **63N-20-107. Annual report.**

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

560 (2) The report shall:

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

564 (b) include the following information:

565 (i) the number of families:

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

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

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

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

570 (A) participating in the program;

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

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

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

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

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

581 (vi) as available, the evaluation of the program conducted pursuant to Section
582 ~~[53F-4-406]~~ 63N-20-106.