

1 **UPSTART PROGRAM AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael K. McKell**

5 House Sponsor: Mike Schultz

7 **LONG TITLE**

8 **General Description:**

9 This bill amends and enacts provisions of the UPSTART program.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ moves the UPSTART program into the Economic Opportunity Act, under the
14 Governor's Office of Economic Opportunity (office);
- 15 ▶ amends procurement standards for a home-based technology program for the
16 UPSTART program;
- 17 ▶ requires the office to use procurement processes to contract with certain providers;
- 18 ▶ amends criteria for evaluating home-based technology program providers;
- 19 ▶ expands program participation to:
 - 20 • all Utah preschool children;
 - 21 • residential certificate preschool providers; and
 - 22 • the Head Start program;
- 23 ▶ amends standards and requirements for home-based educational technology
24 providers;
- 25 ▶ 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 ▶ requires the Department of Workforce Services to identify families for the program;

- 30 ▶ requires the office to determine costs associated with the program, including:
- 31 • implementing campaigns and referrals to solicit families to participate in the
- 32 program; and
- 33 • technology costs;
- 34 ▶ amends audit reporting requirements; and
- 35 ▶ makes technical and conforming changes.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **35A-15-202**, as last amended by Laws of Utah 2022, Chapter 348

43 **53E-1-201**, as last amended by Laws of Utah 2022, Chapters 147, 229, 274, 285, 291,

44 354, and 461

45 **53E-4-308**, as last amended by Laws of Utah 2022, Chapter 461

46 **63I-2-253**, as last amended by Laws of Utah 2022, Chapters 208, 229, 274, 354, 370,

47 and 409

48 RENUMBERS AND AMENDS:

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

50 Chapter 316)

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

52 Chapters 186, 342)

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

54 Chapter 342)

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

56 Chapter 316)

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

58 Chapter 316)
59 **63N-20-107**, (Renumbered from 53F-4-407, as last amended by Laws of Utah 2019,
60 Chapters 186, 324 and 342)

61

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

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

64 **35A-15-202. Elements of a high quality school readiness program.**

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

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

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

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

74 (A) is teacher led or through a partnership with a contractor as defined in Section
75 ~~[53F-4-401]~~ 63N-20-101;

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

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

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

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

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

84 (ii) evaluates student progress to inform instruction;

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

86 (e) for a preschool program that an eligible LEA runs, a class size that does not exceed
87 20 students, with one adult for every 10 students in the class;

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

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

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

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

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

95 (i) a kindergarten transition plan.

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

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

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

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

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

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

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

113 **53E-1-201. Reports to and action required of the Education Interim Committee.**

- 114 (1) In accordance with applicable provisions and Section [68-3-14](#), the following
115 recurring reports are due to the Education Interim Committee:
- 116 (a) the report described in Section [9-22-109](#) by the STEM Action Center Board,
117 including the information described in Section [9-22-113](#) on the status of the computer science
118 initiative and Section [9-22-114](#) on the Computing Partnerships Grants Program;
 - 119 (b) the prioritized list of data research described in Section [53B-33-302](#) and the report
120 on research and activities described in Section [53B-33-304](#) by the Utah Data Research Center;
 - 121 (c) the report described in Section [35A-15-303](#) by the State Board of Education on
122 preschool programs;
 - 123 (d) the report described in Section [53B-1-402](#) by the Utah Board of Higher Education
124 on career and technical education issues and addressing workforce needs;
 - 125 (e) the annual report of the Utah Board of Higher Education described in Section
126 [53B-1-402](#);
 - 127 (f) the reports described in Section [53B-28-401](#) by the Utah Board of Higher Education
128 regarding activities related to campus safety;
 - 129 (g) the State Superintendent's Annual Report by the state board described in Section
130 [53E-1-203](#);
 - 131 (h) the annual report described in Section [53E-2-202](#) by the state board on the strategic
132 plan to improve student outcomes;
 - 133 (i) the report described in Section [53E-8-204](#) by the state board on the Utah Schools for
134 the Deaf and the Blind;
 - 135 (j) the report described in Section [53E-10-703](#) by the Utah Leading through Effective,
136 Actionable, and Dynamic Education director on research and other activities;
 - 137 (k) the report described in Section [53F-2-522](#) regarding mental health screening
138 programs;
 - 139 (l) the report described in Section [53F-4-203](#) by the state board and the independent
140 evaluator on an evaluation of early interactive reading software;
 - 141 (m) the report described in Section [~~[53F-4-407](#)~~] [63N-20-107](#) by [~~the state board~~] the

142 Governor's Office of Economic Opportunity on UPSTART;

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

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

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

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

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

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

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

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

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

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

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

168 (e) in 2022 and in 2023, on or before November 30, the report described in Subsection
169 53E-10-309(7) related to the PRIME pilot program;

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

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

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

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

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

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

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

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

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

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

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

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

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

198 on achievement tests administered under this part.

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

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

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

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

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

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

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

217 **63I-2-253. Repeal dates: Titles 53 through 53G.**

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

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

223 [(2)] (1) Section [53B-6-105.7](#) is repealed July 1, 2024.

224 [(3)] (2) Section [53B-7-707](#) regarding performance metrics for technical colleges is
225 repealed July 1, 2023.

226 [~~(4)~~] (3) Section 53B-8-114 is repealed July 1, 2024.

227 [~~(5)~~] (4) The following provisions, regarding the Regents' scholarship program, are
228 repealed on July 1, 2023:

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

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

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

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

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

235 [~~(6)~~] (5) Section 53B-10-101 is repealed on July 1, 2027.

236 [~~(7)~~] (6) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is
237 repealed July 1, 2023.

238 [~~(8)~~] (7) Subsection 53E-1-201(1)(s) regarding the report by the Educational
239 Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2024.

240 [~~(9)~~] (8) Section 53E-1-202.2, regarding a Public Education Appropriations
241 Subcommittee evaluation and recommendations, is repealed January 1, 2024.

242 [~~(10)~~] (9) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed
243 July 1, 2024.

244 [~~(11)~~] (10) In Subsections 53F-2-205(4) and (5), regarding the State Board of
245 Education's duties if contributions from the minimum basic tax rate are overestimated or
246 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,
247 2023.

248 [~~(12)~~] (11) Section 53F-2-209, regarding local education agency budgetary flexibility,
249 is repealed July 1, 2024.

250 [~~(13)~~] (12) Subsection 53F-2-301(1), relating to the years the section is not in effect, is
251 repealed July 1, 2023.

252 [~~(14)~~] (13) Section 53F-2-302.1, regarding the Enrollment Growth Contingency
253 Program, is repealed July 1, 2023.

282 As used in this part:

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

286 (2) "Office" means the Governor's Office of Economic Opportunity created in Section
287 63N-1a-301.

288 [~~(2) "Intergenerational poverty" means the same as that term is defined in Section~~
289 ~~35A-9-102.~~]

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

291 (a) four or five years old; and

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

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

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

295 [~~(B)~~] except as provided in Subsection [~~(4)(b)(ii);~~] (4)(b), is exempt from licensure

296 under Section 26-39-403; and

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

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

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

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

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

303 (5) "Public preschool" means a preschool program that is provided by a school district

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

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

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

307 [~~(a) resides within the boundaries of a qualifying school as determined under Section~~

308 ~~53G-6-302; or~~]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 338 ~~[(xv) Piute School District;]~~
- 339 ~~[(xvi) Rich School District;]~~
- 340 ~~[(xvii) San Juan School District;]~~
- 341 ~~[(xviii) Sevier School District;]~~
- 342 ~~[(xix) South Sanpete School District;]~~
- 343 ~~[(xx) South Summit School District;]~~
- 344 ~~[(xxi) Tintic School District;]~~
- 345 ~~[(xxii) Uintah School District; or]~~
- 346 ~~[(xxiii) Wayne School District.]~~

347 ~~[(9)]~~ (7) "UPSTART" means the ~~[project established by]~~ statewide program created in
 348 Section ~~[53F-4-402]~~ 63N-20-102 that uses a home-based educational technology program and
 349 parent engagement to develop school readiness skills of preschool children.

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

352 ~~[53F-4-402].~~ **63N-20-102. UPSTART program to develop school readiness**
 353 **skills of preschool children.**

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

357 (2) UPSTART is created to:

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

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

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

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

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

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

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

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

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

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

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

381 (a) the contractor shall have:

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

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

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

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

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

392 (ii) provide for the installation of a computer, a tablet, or other electronic or peripheral
393 equipment, and Internet access [in homes of qualifying participants described in Subsection

394 ~~53F-4-404(3)(d)~~];

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

396 (B) for participating private preschool providers, including residential certificate

397 providers, based upon need;

398 ~~(c)~~ (d) the contractor shall have the capability of doing the following through the

399 Internet:

400 (i) communicating with parents;

401 (ii) updating the instructional software;

402 (iii) validating user access;

403 (iv) collecting usage data;

404 (v) storing research data; and

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

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

407 (i) ~~computer-assisted~~; individualized software instruction in reading, mathematics,

408 and science[;] that:

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

410 (B) aligns with Head Start Early Learning Outcomes Framework implemented in

411 accordance with the Head Start Act, 42 U.S.C. Sec. 9801 et seq.;

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

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

414 programs;

415 (ii) a multisensory reading tutoring program; and

416 (iii) a validated ~~computer~~ adaptive reading test that does not require the presence of

417 trained adults to administer and is an accurate indicator of reading readiness of children who

418 cannot read;

419 ~~(e)~~ (f) the contractor shall have the capability to quickly and efficiently modify,

420 improve, and support the product; and

421 ~~(f)~~ (g) the contractor shall work in cooperation with public preschool or private

422 preschool provider personnel who will provide administrative and technical support of the
423 program as provided in Section [~~53F-4-403~~] [63N-20-103](#);

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

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

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

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

434 (ii) providing training to families; and

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

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

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

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

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

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

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

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

450 ~~[(c) the experience of the home-based educational technology program provider; and]~~
 451 (d) the per pupil cost of the home-based educational technology program~~[-];~~
 452 (e) any of the following specifically related to a criterion described in Subsections

453 (6)(a) through (d):

- 454 (i) the experience of the home-based educational technology provider;
- 455 (ii) the demonstrated abilities of the home-based educational technology provider;
- 456 (iii) the general functionality of the home-based educational technology provider;
- 457 (iv) the implementation of the home-based educational technology provider; and
- 458 (v) the applicant's interview; and

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

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

464 ~~[53F-4-403].~~ **63N-20-103. School district participation in UPSTART.**

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

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

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

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

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

477 Section 8. Section **63N-20-104**, which is renumbered from Section 53F-4-404 is

478 renumbered and amended to read:

479 ~~[53F-4-404]~~. 63N-20-104. Family participation in UPSTART -- Priority
480 **enrollment.**

481 (1) The contractor shall~~[:]~~, in partnership with the office,
482 ~~[(a)]~~ solicit families to participate in UPSTART through a public information
483 campaign, outreach programs, and referrals from ~~[participating]~~ local school districts~~[-and]~~,
484 and participating preschool providers.

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

487 (2) For purposes of Subsection (1), to the extent allowed by federal and state privacy
488 laws, the Department of Workforce Services shall:

489 (a) identify preschool children and families across the state who may benefit from
490 UPSTART; and

491 (b) provide information regarding UPSTART participation to the identified families.

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](#).