

**Effective 5/13/2014**

**Part 1**  
**School Readiness Initiative Act**

**53A-1b-101 Title.**

This chapter is known as "School Readiness Initiative."

Enacted by Chapter 304, 2014 General Session

**53A-1b-102 Definitions.**

As used in this part:

- (1) "Board" means the School Readiness Board, created in Section 53A-1b-103.
- (2) "Economically disadvantaged" means a student who:
  - (a) is eligible to receive free lunch;
  - (b) is eligible to receive reduced price lunch; or
  - (c)
    - (i) is not otherwise accounted for in Subsection (2)(a) or (b); and
    - (ii)
      - (A) is enrolled in a Provision 2 or Provision 3 school, as defined by the United States Department of Agriculture;
      - (B) has a Declaration of Household Income on file;
      - (C) is eligible for a fee waiver; or
      - (D) is enrolled at a school that does not offer a lunch program and is a sibling of a student accounted for in Subsection (2)(a) or (b).
- (3) "Eligible home-based educational technology provider" means a provider that intends to offer a home-based educational technology program.
- (4) "Eligible LEA" means an LEA that has a data system capacity to collect longitudinal academic outcome data, including special education use by student, by identifying each student with a statewide unique student identifier.
- (5)
  - (a) "Eligible private provider" means a child care program that:
    - (i)
      - (A) except as provided in Subsection (5)(b), is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or
      - (B) is exempt from licensure under Section 26-39-403; and
    - (ii) meets other criteria as established by the board, consistent with Utah Constitution, Article X, Section 1.
  - (b) "Eligible private provider" does not include residential child care, as defined in Section 26-39-102.
- (6) "Eligible student" means a student who is economically disadvantaged.
- (7) "Local Education Agency" or "LEA" means a school district or charter school.
- (8) "Performance outcome measure" means a cost avoidance in special education use for a student at-risk for later special education placement in kindergarten through grade 12 who receives preschool education funded pursuant to a results-based school readiness contract.
- (9)
  - (a) "Private entity" means a private investor or investors that enter into a results-based school readiness contract.

- (b) "Private entity" includes an authorized representative of the private investor or investors.
- (10) "Results-based school readiness contract" means a contract entered into by the board, a private entity, and a provider of early childhood education that may result in repayment to a private entity if certain performance outcome measures are achieved.
- (11) "Student at-risk for later special education placement" means a preschool student who, at preschool entry, scores at or below two standard deviations below the mean on the assessment selected by the board under Section 53A-1b-110.

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**53A-1b-103 Establishment of the School Readiness Board -- Membership.**

- (1) There is created a School Readiness Board within the Governor's Office of Management and Budget composed of:
  - (a) the director of the Department of Workforces Services or the director's designee;
  - (b) one member appointed by the State Board of Education;
  - (c) one member appointed by the chair of the State Charter School Board;
  - (d) one member appointed by the speaker of the House of Representatives; and
  - (e) one member appointed by the president of the Senate.
- (2)
  - (a) A member described in Subsections (1)(c), (d), and (e) shall serve for a term of two years.
  - (b) If a vacancy occurs for a member described in Subsection (1)(c), (d), or (e), the person appointing the member shall appoint a replacement to serve the remainder of the member's term.
- (3) A member may not receive compensation or benefits for the member's service.
- (4) Upon request, the Governor's Office of Management and Budget shall provide staff support to the board.
- (5)
  - (a) The board members shall elect a chair of the board from the board's membership.
  - (b) The board shall meet upon the call of the chair or a majority of the board members.

Enacted by Chapter 304, 2014 General Session

**53A-1b-104 School Readiness Restricted Account -- Creation -- Funding -- Distribution of funds.**

- (1) There is created in the General Fund a restricted account known as the "School Readiness Restricted Account" to fund:
  - (a) the High Quality School Readiness Grant Program described in Section 53A-1b-106; and
  - (b) results-based school readiness contracts for eligible students to participate in:
    - (i) a high quality preschool program described in:
      - (A) Section 53A-1b-107; or
      - (B) Section 53A-1b-108; or
    - (ii) an eligible home-based educational technology program described in Section 53A-1b-109.
- (2) The restricted account consists of:
  - (a) money appropriated to the restricted account by the Legislature;
  - (b) all income and interest derived from the deposit and investment of money in the account;
  - (c) federal grants; and
  - (d) private donations.

- (3) Subject to legislative appropriations, money in the restricted account may be used for the following purposes:
- (a) to award grants under the High Quality School Readiness Grant Program described in Section 53A-1b-106;
  - (b) to contract with an independent evaluator as required in Subsection 53A-1b-110(3);
  - (c) in accordance with Section 53A-1b-110, to make payments to one or more private entities that the board has entered into a results-based contract with if the independent evaluator selected by the board determines that the performance-based results have been met; and
  - (d) for administration costs and to monitor the programs described in this part.

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**53A-1b-105 Elements of a high quality school readiness program.**

- (1) A high quality school readiness program run by an eligible LEA or eligible private provider shall include the following components:
- (a) an evidence-based curriculum that is aligned with all of the developmental domains and academic content areas defined in the Utah Early Childhood Standards adopted by the State Board of Education, and incorporates intentional and differentiated instruction in whole group, small group, and child-directed learning, including the following academic content areas:
    - (i) oral language and listening comprehension;
    - (ii) phonological awareness and prereading;
    - (iii) alphabet and word knowledge;
    - (iv) prewriting;
    - (v) book knowledge and print awareness;
    - (vi) numeracy;
    - (vii) creative arts;
    - (viii) science and technology; and
    - (ix) social studies, health, and safety;
  - (b) ongoing, focused, and intensive professional development for staff of the school readiness program;
  - (c) ongoing assessment of a student's educational growth and developmental progress to inform instruction;
  - (d) a pre- and post-assessment, selected by the board in accordance with Section 53A-1b-110, of each student;
  - (e) for a preschool program run by an eligible LEA, a class size that does not exceed 20 students, with one adult for every 10 students in the class;
  - (f) ongoing program evaluation and data collection to monitor program goal achievement and implementation of required program components;
  - (g) family engagement, including ongoing communication between home and school, and parent education opportunities based on each family's circumstances;
  - (h) for a preschool program run by an eligible LEA, each teacher having at least obtained:
    - (i) the minimum standard of a child development associate certification; or
    - (ii) an associate or bachelor's degree in an early childhood education related field; and
  - (i) for a preschool program run by an eligible private provider, by a teacher's second year, each teacher having at least obtained:
    - (i) the minimum standard of a child development associate certification; or
    - (ii) an associate or bachelor's degree in an early childhood education related field.

- (2) A high quality school readiness program run by a home-based educational technology provider shall:
- (a) be an evidence-based and age appropriate individualized interactive instruction assessment and feedback technology program that teaches eligible students early learning skills needed to be successful upon entry into kindergarten;
  - (b) require regular parental engagement with the student in the student's use of the home-based educational technology program;
  - (c) be aligned with the Utah early childhood core standards;
  - (d) require the administration of the pre- and post-assessment, designated by the board in accordance with Section 53A-1b-110, of each eligible student; and
  - (e) require technology providers to ensure successful implementation and utilization of the technology program.

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**53A-1b-106 High Quality School Readiness Grant Program.**

- (1) The High Quality School Readiness Grant Program is created to provide grants to the following, in order to upgrade an existing preschool or home-based technology program to a high quality school readiness program:
- (a) an eligible private provider;
  - (b) an eligible LEA; or
  - (c) an eligible home-based educational technology provider.
- (2) The State Board of Education shall:
- (a) solicit proposals from eligible LEAs; and
  - (b) make recommendations to the board to award grants to respondents based on criteria described in Subsection (5).
- (3) The Department of Workforce Services shall:
- (a) solicit proposals from eligible private providers and eligible home-based educational technology providers; and
  - (b) make recommendations to the board to award grants to respondents based on criteria described in Subsection (5).
- (4) Subject to legislative appropriations, the board shall award grants to respondents based on:
- (a) the recommendations of the State Board of Education;
  - (b) the recommendations of the Department of Workforce Services; and
  - (c) the criteria described in Subsection (5).
- (5)
- (a) In awarding a grant under Subsection (4), the State Board of Education, Department of Workforce Services, and the board shall consider:
    - (i) a respondent's capacity to effectively implement the components described in Section 53A-1b-105;
    - (ii) the percentage of a respondent's students who are economically disadvantaged; and
    - (iii) the level of administrative support and leadership at a respondent's program to effectively implement, monitor, and evaluate the program.
  - (b) The board may not award a grant to an LEA without obtaining approval from the State Board of Education to award the grant to the LEA.
- (6) To receive a grant under this section, a respondent that is an eligible LEA shall submit a proposal to the State Board of Education detailing:

- (a) the respondent's strategy to implement the high quality components described in Subsection 53A-1b-105(1);
  - (b) the number of students the respondent plans to serve, categorized by age and economically disadvantaged status;
  - (c) the number of high quality preschool classrooms the respondent plans to operate; and
  - (d) the estimated cost per student.
- (7) To receive a grant under this section, a respondent that is an eligible private provider or an eligible home-based educational technology provider shall submit a proposal to the Department of Workforce Services detailing:
- (a) the respondent's strategy to implement the high quality components described in Section 53A-1b-105;
  - (b) the number of students the respondent plans to serve, categorized by age and economically disadvantaged status;
  - (c) for a respondent that is an eligible private provider, the number of high quality preschool classrooms the respondent plans to operate; and
  - (d) the estimated cost per student.
- (8) All recipients of grants under this section shall establish a preschool or home-based educational technology program with the components described in Section 53A-1b-105.
- (9)
- (a) A grant recipient shall allow classroom or other visits by an independent evaluator chosen by the board in accordance with Section 53A-1b-110.
  - (b) The independent evaluator shall:
    - (i) determine whether a grant recipient has effectively implemented the components described in Section 53A-1b-105; and
    - (ii) report the independent evaluator's findings to the board.
- (10)
- (a) A grant recipient that is an eligible LEA shall assign a statewide unique student identifier to each eligible student funded pursuant to a grant received under this section.
  - (b) A grant recipient that is an eligible private provider or an eligible home-based educational technology provider shall work in conjunction with the State Board of Education to assign a statewide unique student identifier to each eligible student funded pursuant to a grant received under this section.
- (11) A grant recipient that is an LEA shall report annually to the board and the State Board of Education the following:
- (a) number of students served by the preschool, reported by economically disadvantaged status;
  - (b) attendance;
  - (c) cost per student; and
  - (d) assessment results.
- (12) A grant recipient that is an eligible private provider or an eligible home-based educational technology provider shall report annually to the board and the Department of Workforce Services the following:
- (a) number of students served by the preschool or program, reported by economically disadvantaged status;
  - (b) attendance;
  - (c) cost per student; and
  - (d) assessment results.
- (13) The State Board of Education and the Department of Workforce Services shall make rules to effectively administer and monitor the High Quality School Readiness Grant Program, including:

- (a) requiring grant recipients to use the pre- and post-assessment selected by the board in accordance with Section 53A-1b-110; and
  - (b) establishing reporting requirements for grant recipients.
- (14) At the request of the board, the State Board of Education and the Department of Workforce Services shall annually share the information received from grant recipients described in Subsections (11) and (12) with the board.

Enacted by Chapter 304, 2014 General Session

**53A-1b-107 High quality preschool programs for eligible LEAs.**

- (1) To receive funding pursuant to a results-based contract awarded under Section 53A-1b-110, an eligible LEA shall establish or currently operate a high quality preschool with the components described in Subsection 53A-1b-105(1).
- (2) An eligible LEA shall assign a statewide unique student identifier to each eligible student funded pursuant to a results-based contract issued under this part.
- (3) An eligible LEA may not use funds awarded pursuant to a results-based contract to supplant funds for an existing high quality preschool program, but may use the funds to supplement an existing high quality preschool program.
- (4) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301-6578, an LEA may charge a sliding scale fee to a student participating in a high quality preschool program under this section, based on household income.
- (5) An LEA that receives funds under this section shall report annually to the board the de-identified information described in Section 53A-1b-111.
- (6)
  - (a) An eligible LEA may contract with an eligible private provider to provide the high quality preschool program to a portion of the LEA's eligible students funded by a results-based contract.
  - (b) The board shall determine in a results-based contract the portion of an LEA's eligible students funded by the results-based contract to be served by an eligible private provider.
- (7) To receive funding pursuant to a results-based contract, an eligible private provider shall:
  - (a) offer a preschool program that contains the components described in Subsection 53A-1b-105(1);
  - (b) allow classroom visits by the evaluator chosen in accordance with Section 53A-1b-110 and the private entity, to ensure the components described in this section are implemented;
  - (c) allow the evaluator chosen in accordance with Section 53A-1b-110 to administer the required pre- and post-assessments to eligible students funded under this part; and
  - (d) report the information described in Section 53A-1b-111 to the board and the contracting LEA.
- (8) An LEA may provide the eligible private provider with:
  - (a) professional development;
  - (b) staffing or staff support;
  - (c) materials; and
  - (d) assessments.
- (9)
  - (a) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301-6578, an eligible private provider may charge a sliding scale fee to a student participating in a high quality preschool program under this section, based on household income.
  - (b) The eligible private provider may use grants, scholarships, or other funds to help fund the preschool program.

- (10) A contractual partnership established under Subsection (6) shall be consistent with Utah Constitution, Article X, Section 1.
- (11) The evaluator selected pursuant to Section 53A-1b-110 shall annually evaluate:
  - (a) the quality and outcomes of the high quality preschool program funded by a results-based contract between a private entity and the board, including:
    - (i) adherence to required components described in Subsection 53A-1b-105(1); and
    - (ii) the pre- and post-assessment results of the assessment, designated by the board under Section 53A-1b-110, of eligible students in the high quality preschool program; and
  - (b) whether the performance outcome measures set in the results-based contract have been met, using de-identified data reported in Section 53A-1b-111.

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**53A-1b-108 High quality preschool programs for eligible private providers.**

- (1) To receive funding pursuant to a results-based contract awarded under Section 53A-1b-110, an eligible private provider shall:
  - (a) establish or currently operate a high quality preschool with the components described in Subsection 53A-1b-105(1);
  - (b) allow classroom visits by the evaluator chosen in accordance with Section 53A-1b-110 and the private entity, to ensure the components described in Subsection 53A-1b-105(1) are being implemented; and
  - (c) allow the evaluator chosen in accordance with Section 53A-1b-110 to administer the required pre- and post-assessments to eligible students funded under this part.
- (2) An eligible private provider shall work in conjunction with the State Board of Education to assign a statewide unique student identifier to each eligible student funded pursuant to a results-based contract.
- (3) An eligible private provider may not use funds awarded pursuant to a results-based contract to supplant funds for an existing high quality preschool program, but may use the funds to supplement an existing high quality preschool program.
- (4)
  - (a) If permitted under Title 1 of the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301-6578, an eligible private provider may charge a sliding scale fee to a student participating in a high quality preschool program under this section, based on household income.
  - (b) The eligible private provider may use grants, scholarships, or other funds to help fund the preschool program.
- (5) An eligible private provider that receives funds under this section shall report annually to the board the de-identified information described in Section 53A-1b-111.
- (6) The State Board of Education shall annually share with the board aggregated longitudinal data on eligible students currently receiving funding under this section and any eligible students who previously received funding under this section, including:
  - (a) academic achievement outcomes;
  - (b) special education use; and
  - (c) English language learner services.
- (7) The evaluator selected pursuant to Section 53A-1b-110 shall annually evaluate:
  - (a) the quality and outcomes of a high quality preschool program funded by a results-based contract between a private entity and the board, including:
    - (i) adherence to required components described in Subsection 53A-1b-105(1); and

- (ii) the pre- and post-assessment results of the assessment, designated by the board under Section 53A-1b-110, of eligible students in the high quality preschool program; and
- (b) whether the performance outcome measures set in the results-based contract have been met, using de-identified or aggregated data reported in Subsections (5) and (6).

Enacted by Chapter 304, 2014 General Session

**53A-1b-109 Home-based educational technology for school readiness.**

- (1) To receive funding pursuant to a results-based contract awarded under Section 53A-1b-110, an eligible home-based educational technology provider shall administer a home-based educational technology program designed to prepare eligible students for kindergarten.
- (2) An eligible home-based educational technology provider described in Subsection (1) shall establish or currently operate a high quality school readiness program with the components described in Subsection 53A-1b-105(2).
- (3) An eligible home-based educational technology provider shall work in conjunction with the State Board of Education to assign a statewide unique student identifier to each eligible student funded pursuant to a results-based contract.
- (4) An eligible home-based educational technology provider that receives funds under this section shall report annually to the board the following de-identified information for eligible students funded in whole or in part pursuant to a results-based contract:
  - (a) number of eligible students served by the home-based educational technology program, reported by economically disadvantaged status and English language learner status;
  - (b) average time, and range of time usage, an eligible student spent using the program per week;
  - (c) cost per eligible student;
  - (d) assessment results of the pre- and post-assessments selected by the board; and
  - (e) number of eligible students served by the home-based educational technology program who participated in any other public or private preschool program, including the type of preschool attended.
- (5) The State Board of Education shall annually share with the board aggregated longitudinal data on eligible students currently receiving funding under this section and any eligible students who previously received funding under this section, including:
  - (a) academic achievement outcomes;
  - (b) special education use; and
  - (c) English language learner services.
- (6) The evaluator selected pursuant to Section 53A-1b-110 shall annually evaluate:
  - (a) the quality and outcomes of a home-based educational technology program funded by a results-based contract between a private entity and the board, including the pre- and post-assessment results, on the assessment designated by the board under Section 53A-1b-110, of eligible students in the program; and
  - (b) whether the performance outcome measures set in the results-based contract have been met, using de-identified or aggregated data reported in Subsections (4) and (5).

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**53A-1b-110 Results-based school readiness contracts -- Board duties -- Independent evaluator.**

- (1)

- (a) The board may negotiate and enter into a results-based contract with a private entity, selected through a competitive process, to fund:
    - (i) a high quality preschool program described in Section 53A-1b-107;
    - (ii) a high quality preschool program described in Section 53A-1b-108; or
    - (iii) a home-based education technology program described in Section 53A-1b-109.
  - (b) The board may not issue a results-based contract if the total outstanding obligations of results-based contracts issued by the board under this part would exceed \$15,000,000 at any one time.
  - (c) The board may provide for a repayment to a private entity to include a return of investment and an additional return on investment, dependent on achievement of specific performance outcome measures set in the results-based contract.
  - (d) The additional return on investment described in Subsection (1)(c) may not exceed 5% above the current Municipal Market Data General Obligation Bond AAA scale for a 10 year maturity at the time of the issuance of the results-based school readiness contract.
  - (e) Funding obtained for an early education program under this part is not a procurement item under Section 63G-6a-103.
- (2) A contract shall include:
- (a) a requirement that the repayment to the private entity be conditioned on specific performance outcome measures set in the results-based contract;
  - (b) a requirement for an independent evaluator to determine whether the performance outcomes have been achieved;
  - (c) a provision that repayment to the private entity is:
    - (i) based upon available money in the School Readiness Restricted Account; and
    - (ii) subject to legislative appropriation; and
  - (d) that the private entity is not eligible to receive or view any personally identifiable student data of students funded through a results-based contract.
- (3) The board shall select an independent, nationally recognized early childhood education evaluator, selected through a request for proposals process, to annually evaluate:
- (a) performance outcome measures set in a results-based contract of the board; and
  - (b) a High Quality School Readiness Grant Program recipient's program.
- (4) The board shall select a uniform assessment of age-appropriate cognitive or language skills that:
- (a) is nationally norm-referenced;
  - (b) has established reliability;
  - (c) has established validity with other similar measures and with later school outcomes; and
  - (d) has strong psychometric characteristics.
- (5)
- (a) At the end of each year of a results-based contract after a student funded through a results-based contract completes kindergarten, the independent evaluator shall determine whether the performance outcome measures set in the results-based contract have been met.
  - (b) If the independent evaluator determines under Subsection (5)(a) that the performance outcome measures have been met, the board may pay the private entity according to the terms of the results-based contract.
- (6)
- (a) The board shall ensure that a parent or guardian of an eligible student participating in a program funded pursuant to a results-based contract has given permission and signed an acknowledgment that the student's data may be shared with an independent evaluator for research and evaluation purposes.

(b) The board shall maintain documentation of parental permission required in Subsection (6)(a).

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**53A-1b-111 Reporting requirements for recipients of a results-based school readiness contract -- Reporting requirements for the School Readiness Board.**

- (1) An eligible LEA, eligible private provider, or eligible home-based educational technology provider that receives funds pursuant to a results-based contract under this part shall report annually to the board the following de-identified information for eligible students funded in whole or in part pursuant to a results-based contract:
  - (a) number of eligible students served by the recipient's preschool or home-based educational technology program, reported by economically disadvantaged status and English language learner status;
  - (b) attendance;
  - (c) cost per eligible student;
  - (d) assessment results of the pre- and post-assessments selected by the board; and
  - (e) aggregated longitudinal data on eligible students currently receiving funding under this part and any eligible students who previously received funding under this part, including:
    - (i) academic achievement outcomes;
    - (ii) special education use; and
    - (iii) English language learner services.
- (2) For each year of a results-based contract, the board shall report to the Education Interim Committee the following:
  - (a) information collected under Subsection (1) for each participating LEA, private provider, and home-based educational technology provider; and
  - (b) the terms of the results-based contract, including:
    - (i) the name of each private entity and funding source;
    - (ii) the amount of money each private entity has invested;
    - (iii) the performance outcome measures set in the results-based contract by which repayment will be determined; and
    - (iv) the repayment schedule to the private entity if the performance outcomes are met.

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