

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 307

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION
2 33-201, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO A VOLUNTARY
3 KINDERGARTEN PREPAREDNESS PILOT PROGRAM AND TO MAKE A TECHNICAL COR-
4 RECTION; AMENDING SECTION 33-208, IDAHO CODE, TO PROVIDE THAT SCHOOL
5 DISTRICTS MAY ESTABLISH A VOLUNTARY KINDERGARTEN PREPAREDNESS PILOT
6 PROGRAM; AMENDING CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDITION OF A
7 NEW SECTION 33-208A, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 2,
8 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-208B, IDAHO
9 CODE, TO ESTABLISH A VOLUNTARY KINDERGARTEN PREPAREDNESS PILOT PRO-
10 GRAM, TO PROVIDE FOR USE OF THE STATE DATA SYSTEM AND TO ESTABLISH PROVI-
11 SIONS RELATING TO PARENTAL PARTICIPATION IN THE PILOT PROGRAM; AMENDING
12 CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
13 33-208C, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO FUNDING FOR
14 THE KINDERGARTEN PREPAREDNESS PILOT PROGRAM; AMENDING CHAPTER 2, TITLE
15 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-208D, IDAHO CODE, TO
16 AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO ENTER INTO RESULTS-BASED
17 CONTRACTS WITH PRIVATE ENTITIES, TO ESTABLISH REQUIREMENTS RELATING TO
18 RESULTS-BASED CONTRACTS, TO PROVIDE FOR AN INDEPENDENT EVALUATOR, AND
19 TO PROVIDE FOR PARENTAL PERMISSION; AMENDING CHAPTER 2, TITLE 33, IDAHO
20 CODE, BY THE ADDITION OF A NEW SECTION 33-208E, IDAHO CODE, TO ESTABLISH
21 REPORTING REQUIREMENTS FOR RECIPIENTS OF RESULTS-BASED CONTRACTS AND
22 REPORTING REQUIREMENTS FOR THE STATE DEPARTMENT OF EDUCATION; AMEND-
23 ING CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
24 33-208F, IDAHO CODE, TO ESTABLISH THE KINDERGARTEN PREPAREDNESS PILOT
25 PROGRAM FUND AND RELATED PROVISIONS; REPEALING SECTION 33-201, IDAHO
26 CODE, RELATING TO SCHOOL AGE; REPEALING SECTION 33-208, IDAHO CODE,
27 RELATING TO KINDERGARTENS, KINDERGARTEN PREPAREDNESS AND CHILD AT-
28 TENDANCE NOT COMPULSORY; AMENDING CHAPTER 2, TITLE 33, IDAHO CODE, BY
29 THE ADDITION OF A NEW SECTION 33-201, IDAHO CODE, TO PROVIDE A DEFINI-
30 TION, TO ESTABLISH PROVISIONS RELATING TO ENROLLING IN SCHOOL AND TO
31 ESTABLISH PROVISIONS RELATING TO CHILDREN WITH DISABILITIES; AMENDING
32 CHAPTER 2, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-208,
33 IDAHO CODE, TO PROVIDE THAT KINDERGARTEN PROGRAMS ARE NOT COMPULSORY
34 AND CHILD ATTENDANCE IN KINDERGARTEN IS NOT MANDATORY; AND PROVIDING
35 EFFECTIVE DATES AND A SUNSET DATE.
36

37 Be It Enacted by the Legislature of the State of Idaho:

38 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
39 establish a voluntary and limited three year kindergarten preparedness pi-
40 lot program that is aligned with the common core standards in order to de-
41 termine the effect of such a program on participating students. No child
42 shall be required to enroll in any kindergarten preparedness program, and
43 all program information obtained, evaluated, used and published shall pre-

1 serve the privacy of participating students in accordance with applicable
2 privacy laws.

3 SECTION 2. That Section 33-201, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-201. SCHOOL AGE. The services of the public schools of this state
6 are extended to any acceptable person of school age. "School age" is defined
7 as including all persons resident of the state, between the ages of five (5)
8 and twenty-one (21) years. For the purposes of this section, the age of five
9 (5) years shall be attained when the fifth anniversary of birth occurs on or
10 before the first day of September of the school year in which the child is to
11 enroll in kindergarten. For the purposes of a voluntary kindergarten pre-
12 paredness pilot program, no child may be enrolled in such program who has not
13 attained the age of four (4) years on or before the first day of September of
14 the school year in which the child is to enroll in the kindergarten prepared-
15 ness program. For a child enrolling in the first grade, the age of six (6)
16 years must be reached on or before the first day of September of the school
17 year in which the child is to enroll. Any child of the age of five (5) years
18 who has completed a private or public out-of-state kindergarten for the re-
19 quired four hundred fifty (450) hours but has not reached the "school age"
20 requirement in Idaho shall be allowed to enter the first grade.

21 For resident children with disabilities who qualify for special educa-
22 tion and related services under the federal individuals with disabilities
23 education act (IDEA) and subsequent amendments thereto, and applicable
24 state and federal regulations, "school age" shall begin at the attainment
25 of age three (3) years and shall continue through the semester of school in
26 which the student attains the age of twenty-one (21) years.

27 SECTION 3. That Section 33-208, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 33-208. KINDERGARTENS -- KINDERGARTEN PREPAREDNESS -- AND CHILD AT-
30 TENDANCE NOT COMPULSORY. (1) It shall not be compulsory for individual
31 school districts to establish a kindergarten program; and it shall not be
32 mandatory for a child who is eligible by age for attendance to enroll in an
33 established public kindergarten.

34 (2) School districts may establish a voluntary kindergarten prepared-
35 ness pilot program pursuant to the provisions of section 33-208A, Idaho
36 Code, but no school district shall be required to offer a voluntary kinder-
37 garten preparedness program or participate in the pilot program established
38 by this act, nor shall any child eligible by age to enroll in a kindergarten
39 preparedness program be required to enroll in such a program.

40 SECTION 4. That Chapter 2, Title 33, Idaho Code, be, and the same is
41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
42 ignated as Section 33-208A, Idaho Code, and to read as follows:

43 33-208A. DEFINITIONS. For the purposes of this act:

44 (1) "Department" means the state department of education.

1 (2) "Home-based educational technology" means a home-based educa-
2 tional technology program that is aligned with curriculum standards used in
3 public school kindergarten and that is approved by the department.

4 (3) "Performance outcome measure" means a cost savings in remediation
5 and special education use for a student at risk for later special education
6 placement in kindergarten through grade 12 who receives preschool education
7 funded pursuant to a results-based contract.

8 (4) "Private entity" means a private investor(s) that enters into a re-
9 sults-based contract with the department.

10 (5) "Private provider" means a kindergarten preparedness program that
11 is not offered in or through a school district.

12 (6) "Results-based contract" means a contract entered into by the de-
13 partment, a private entity and a provider of early childhood education that
14 may result in repayment to a private entity if certain performance outcome
15 measures are achieved.

16 (7) "School district" means public school districts in this state and
17 shall include public charter schools.

18 SECTION 5. That Chapter 2, Title 33, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 33-208B, Idaho Code, and to read as follows:

21 33-208B. KINDERGARTEN PREPAREDNESS PILOT PROGRAM -- STUDENT ACHIEVE-
22 MENT RECORDED -- PARENTAL INVOLVEMENT -- RULES. (1) There is hereby
23 established a voluntary and limited three (3) year kindergarten prepared-
24 ness pilot program. The pilot program shall provide for a total of five (5)
25 grants. School districts and private providers may apply to the department
26 for a grant under this section.

27 (2) The department shall select five (5) recipients for a grant among
28 those seeking selection to participate in the pilot kindergarten prepared-
29 ness program. In order to be selected, the applicant school district and
30 private provider shall show, and the department shall determine, that the
31 program will:

32 (a) Be supervised by a person who holds a certificate under chapter 12,
33 title 33, Idaho Code;

34 (b) Meet curriculum standards implemented in public school kinder-
35 garten; and

36 (c) Meet other criteria as established by the department.

37 (3) Any school district selected shall establish a kindergarten pre-
38 paredness program in one (1) public elementary school in its district. It
39 shall be left to the discretion of each participating district to determine
40 which school in the district shall participate. No participating school
41 district shall be required to implement the program on a districtwide basis.
42 In issuing a grant to school districts, the department shall, to the extent
43 feasible, reflect the disparate sizes of school districts within this state.

44 (4) The maximum size of any one (1) class shall be twenty (20) students
45 and two (2) teaching aides, and the minimum size of any one (1) class shall be
46 determined by the department in collaboration with the participating school
47 district or private provider.

48 (5) School districts and private providers shall be selected by the de-
49 partment in the following manner:

1 (a) Any school district or private provider seeking to participate in
2 the pilot program shall submit an application to the department by Jan-
3 uary 1, 2016. The application shall be developed by the department and
4 shall be made available by September 1, 2015. The department shall se-
5 lect five (5) applicants to receive a grant and participate in the pilot
6 program.

7 (b) The department shall notify selected program applicants by April 1,
8 2016.

9 (c) Applicants selected for the program will be expected to partici-
10 pate for the full three (3) years of the pilot program, provided how-
11 ever, that any school district or private provider selected for the pro-
12 gram may request that the department allow it to opt out of the program
13 during the three (3) year period.

14 (6) A student enrolled in a kindergarten preparedness program pursuant
15 to the provisions of this section shall have their student information en-
16 tered into the state longitudinal data system, the Idaho system for educa-
17 tional excellence (ISEE). Such information shall be used to help determine
18 the efficacy of the pilot program in preparing students for kindergarten and
19 later grades.

20 (7) Parents are hereby authorized and encouraged to participate in the
21 program. Parents of a child in the program will be provided a program orien-
22 tation kit, which shall include advice and strategies for parents on how to
23 effectively participate in the program as well as information on how to bet-
24 ter ensure that their child will most fully benefit from the program. The
25 orientation kit will also include books that will help parents read to their
26 child in their home. In addition, the following avenues for parental partic-
27 ipation shall be made available to parents:

28 (a) Parents will be allowed to participate in the classroom and
29 preschool activities as volunteers and observers;

30 (b) Parents will be invited to attend and participate in courses illus-
31 trating ways that parents can help in the classroom and at home. Train-
32 ing sessions will also be provided in the home, if requested by the par-
33 ent. Parents shall be active participants in developing such courses
34 and training efforts;

35 (c) Parents will be encouraged to work with their student in coopera-
36 tion with staff;

37 (d) Parents will be encouraged to meet with teachers and other appro-
38 priate school staff regarding their student's individual needs and
39 progress. Teachers and other staff shall ensure that such meetings are
40 conducted at a time and place that is agreeable to the parent; and

41 (e) The school shall provide for periodic home visits by appropriate
42 staff, with a minimum of two (2) visits per student per school year. The
43 first of such visits shall occur within sixty (60) days after enroll-
44 ment. The purpose of such visits is to increase constructive interac-
45 tion between parents, school staff and the student, to better ensure
46 that the student is successful in the program. Parents may decline home
47 visits provided for in this paragraph.

48 (f) Children who qualify for a kindergarten preparedness program but
49 who, due to transportation hardship, cannot physically attend the pro-

1 gram offered by a school district or private provider will be provided a
2 home-based educational technology program.

3 (8) (a) The state board of education shall promulgate rules to implement
4 the provisions of this act. Such rules shall include requirements for
5 the kindergarten preparedness program including, but not limited to,
6 student data to be gathered, number of days per week and hours per day
7 for the program, pilot program standards to be carried out by partic-
8 ipating school districts and private providers, requirements for and
9 implementation of home-based educational technology programs for chil-
10 dren who qualify and any other provisions necessary to provide an effec-
11 tive teaching and learning experience and to collect data necessary to
12 determine the effectiveness of the program.

13 (b) The rules shall also govern student eligibility for the program.
14 Any student of eligible age who resides in the attendance area of a par-
15 ticipating school may request to enroll in the program.

16 SECTION 6. That Chapter 2, Title 33, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 33-208C, Idaho Code, and to read as follows:

19 33-208C. KINDERGARTEN PREPAREDNESS PILOT PROGRAM -- CONTINGENT ON
20 FUNDING. (1) The pilot program authorized by this act shall commence with
21 the fiscal year in which the state department of education has sufficient
22 funds as defined in this section. As used in this section, "sufficient
23 funds" means that the state of Idaho has received one (1) or more grants of
24 private moneys for the pilot program totaling at least seven hundred seventy
25 thousand dollars (\$770,000) or fifty-five percent (55%) of the budget. The
26 receipt of such private moneys shall be certified by the department to the
27 legislature. "Sufficient funds" shall also mean a state match in an amount
28 equal to no less than forty-five percent (45%) of the program budget.

29 (2) It is the intent of the legislature that the private moneys de-
30 scribed in subsection (1) of this section shall equal no less than fifty-five
31 percent (55%) of the costs of the pilot program.

32 (3) A district participating in the pilot program is hereby authorized
33 to use and expend moneys not described in subsection (1) of this section on
34 the pilot program, where such moneys are provided by private or nongovern-
35 mental entities for preschool activities, provided that such use and expen-
36 diture of such moneys is not otherwise prohibited by law.

37 SECTION 7. That Chapter 2, Title 33, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 33-208D, Idaho Code, and to read as follows:

40 33-208D. RESULTS-BASED CONTRACTS -- INDEPENDENT EVALUATOR. (1) The
41 department may enter into a results-based contract with a private entity
42 selected through a competitive process to fund the kindergarten prepared-
43 ness pilot program. The department may not issue a results-based contract if
44 the total outstanding obligations of results-based contracts issued by the
45 board would exceed five million dollars (\$5,000,000) at any given time.

46 (2) The department may provide for a repayment to a private entity to
47 include a return of investment and an additional return on investment, de-

1 pendent on achievement of specific performance outcome measures set in the
 2 results-based contract. The additional return on investment may not exceed
 3 five percent (5%) above the current municipal market data general obligation
 4 bond AAA scale for a ten (10) year maturity at the time of the issuance of the
 5 results-based school readiness contract.

6 (3) Moneys obtained for the pilot program are not a procurement item un-
 7 der chapter 28, title 67, Idaho Code.

8 (4) A results-based contract shall include:

9 (a) A requirement that the repayment to the private entity be con-
 10 ditioned on specific performance outcome measures set in the re-
 11 sults-based contract;

12 (b) A requirement for an independent evaluator to determine whether the
 13 performance outcomes have been achieved;

14 (c) A provision that repayment to the private entity is based upon
 15 available moneys in the remediation and special education budget of the
 16 department; and

17 (d) A provision that the private entity is not eligible to receive
 18 or view any personally identifiable student data of students funded
 19 through a results-based contract.

20 (5) The department shall select an independent, nationally recognized
 21 early childhood education evaluator, selected through a request for propos-
 22 als process, to annually evaluate:

23 (a) Performance outcome measures set in a results-based contract of the
 24 department; and

25 (b) Each kindergarten preparedness pilot program that has been imple-
 26 mented by a school district or private provider under the provisions of
 27 this act.

28 (6) The department shall select a uniform assessment of age-appropri-
 29 ate cognitive or language skills that:

30 (a) Is nationally norm-referenced;

31 (b) Has established reliability;

32 (c) Has established validity with other similar measures and with later
 33 school outcomes; and

34 (d) Has strong psychometric characteristics.

35 (7) At the end of each year of a results-based contract after a student
 36 funded through a results-based contract completes kindergarten, the inde-
 37 pendent evaluator shall determine whether the performance outcome measures
 38 set in the contract have been met. If the independent evaluator determines
 39 that the performance outcome measures have been met, then the department may
 40 pay the private entity according to the terms of the results-based contract.

41 (8) The department shall ensure that a parent or guardian of a student
 42 participating in a pilot program funded pursuant to a results-based contract
 43 has given permission and signed an acknowledgment that the student's data
 44 may be shared with an independent evaluator for research and evaluation pur-
 45 poses. The department shall maintain documentation of parental permission
 46 required in this subsection.

47 SECTION 8. That Chapter 2, Title 33, Idaho Code, be, and the same is
 48 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 49 ignated as Section 33-208E, Idaho Code, and to read as follows:

1 33-208E. REPORTING REQUIREMENTS FOR RECIPIENTS OF RESULTS-BASED
 2 CONTRACTS -- REPORTING REQUIREMENTS FOR THE DEPARTMENT. (1) A school dis-
 3 trict or eligible private provider that receives moneys pursuant to a
 4 results-based contract shall report annually to the department the follow-
 5 ing information for eligible students funded in whole or in part pursuant to
 6 a results-based contract:

7 (a) Number of eligible students served by the recipient's kindergarten
 8 preparedness program or home-based educational technology program,
 9 reported by economically disadvantaged status and English language
 10 learner status;

11 (b) Attendance;

12 (c) Assessment results of the pre-assessments and post-assessments se-
 13 lected by the department; and

14 (d) Aggregated longitudinal data on eligible students currently re-
 15 ceiving funding under this act and any eligible students who previously
 16 received funding under this act, including:

17 (i) Academic achievement outcomes;

18 (ii) Special education use; and

19 (iii) English language learner services.

20 (2) For each year of a results-based contract, the department shall
 21 report to the senate and house of representatives education committees the
 22 following:

23 (a) Information collected under subsection (1) of this section for each
 24 participating school district and private provider; and

25 (b) The terms of the results-based contract, including:

26 (i) The name of each private entity and funding source;

27 (ii) The amount of money each private entity has invested;

28 (iii) The performance outcome measures set in the contract by
 29 which repayment will be determined; and

30 (iv) The repayment schedule to the private entity if the perfor-
 31 mance outcomes are met.

32 SECTION 9. That Chapter 2, Title 33, Idaho Code, be, and the same is
 33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 34 ignated as Section 33-208F, Idaho Code, and to read as follows:

35 33-208F. KINDERGARTEN PREPAREDNESS PILOT PROGRAM FUND. (1) There is
 36 hereby established in the state treasury a fund to be known as the kinder-
 37 garten preparedness pilot program fund. The fund shall consist of:

38 (a) Moneys appropriated by the legislature;

39 (b) All income and interest derived from the deposit and investment of
 40 moneys in the fund;

41 (c) Federal grants; and

42 (d) Private donations.

43 (2) Moneys in the fund shall be expended by the department to:

44 (a) Implement, administer and monitor the kindergarten preparedness
 45 pilot program described in section 33-208B, Idaho Code;

46 (b) Contract with an independent evaluator as required in section
 47 33-208D, Idaho Code; and

1 (c) Make payments to one (1) or more private entities that the depart-
2 ment has entered into a results-based contract with if the independent
3 evaluator determines that performance outcome measures have been met.

4 SECTION 10. That Section 33-201, Idaho Code, be, and the same is hereby
5 repealed.

6 SECTION 11. That Section 33-208, Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 12. That Chapter 2, Title 33, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 33-201, Idaho Code, and to read as follows:

11 33-201. SCHOOL AGE. The services of the public schools of this state
12 are extended to any acceptable person of school age. "School age" is defined
13 as including all persons resident of the state between the ages of five (5)
14 and twenty-one (21) years. For the purposes of this section, the age of five
15 (5) years shall be attained when the fifth anniversary of birth occurs on or
16 before the first day of September of the school year in which the child is to
17 enroll in kindergarten. For a child enrolling in the first grade, the age of
18 six (6) years must be reached on or before the first day of September of the
19 school year in which the child is to enroll. Any child of the age of five (5)
20 years who has completed a private or public out-of-state kindergarten for
21 the required four hundred fifty (450) hours but has not reached the "school
22 age" requirement in Idaho shall be allowed to enter the first grade.

23 For resident children with disabilities who qualify for special educa-
24 tion and related services under the federal individuals with disabilities
25 education act (IDEA) and subsequent amendments thereto, and applicable
26 state and federal regulations, "school age" shall begin at the attainment
27 of age three (3) years and shall continue through the semester of school in
28 which the student attains the age of twenty-one (21) years.

29 SECTION 13. That Chapter 2, Title 33, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 33-208, Idaho Code, and to read as follows:

32 33-208. KINDERGARTENS AND CHILD ATTENDANCE NOT COMPULSORY. It shall
33 not be compulsory for individual school districts to establish a kinder-
34 garten program; and it shall not be mandatory for a child who is eligible by
35 age for attendance to enroll in an established public kindergarten.

36 SECTION 14. The provisions of Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of
37 this act shall be in full force and effect on and after July 1, 2015. The pro-
38 visions of Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of this act shall be null, void
39 and of no force and effect on and after July 1, 2019. The provisions of Sec-
40 tions 10, 11, 12 and 13 of this act shall be in full force and effect on and
41 after July 1, 2019.