

HB0042S01 compared with HB0042

{Omitted text} shows text that was in HB0042 but was omitted in HB0042S01

inserted text shows text that was not in HB0042 but was inserted into HB0042S01

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English Learner Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill provides emergency funding to schools experiencing a significant increase in English language learner enrollment.

Highlighted Provisions:

This bill:

- defines {terms} a term;
- provides a {school-district} local education agency (LEA) with emergency funding if enrollment of students learning English meets or exceeds a threshold; {and}
- requires the state board to oversee an application process and distribute emergency funds{-} ; and
- instructs an LEA on the use of emergency funds.

Money Appropriated in this Bill:

None

This bill provides a special effective date.

AMENDS:

HB0042 compared with HB0042S01

~~{53F-2-302.1, as last amended by Laws of Utah 2023, Chapters 347, 467, as last amended by Laws of Utah 2023, Chapters 347, 467}~~

21 **53F-2-314, as last amended by Laws of Utah 2022, Chapter 409, as last amended by Laws**
22 **of Utah 2022, Chapter 409**

22 ENACTS:

24 ~~{53F-2-315, Utah Code Annotated 1953, Utah Code Annotated 1953}~~

23 **53F-2-315, Utah Code Annotated 1953, Utah Code Annotated 1953**

24

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

27 ~~{Section 1. Section 53F-2-302.1 is amended to read: }~~

28 **53F-2-302.1. Enrollment Growth Contingency Program.**

29 (1) As used in this section:

30 (a) "Program funds" means money appropriated under the Enrollment Growth Contingency Program.

32 (b) "Student enrollment count" means the enrollment count on the first school day of October, as described in Section 53F-2-302.

34 (2) There is created the Enrollment Growth Contingency Program to:

35 (a) ~~[-]mitigate funding impacts on an LEA resulting from student enrollment irregularities regarding kindergarten[-]; and~~

37 (b) provide emergency funding for a school district with increased enrollment of students learning English in accordance with Section 53F-2-315.

39 (3) Subject to legislative appropriations, the state board, in consultation with the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget, shall use program funds to[-] :

42 (a) fund additional WPU's if the student enrollment count for kindergarten exceeds the amount of legislative appropriations for kindergarten[-]; and

44 (b) provide emergency funding as described in Subsection (2)(b).

26 **Section 1. Section 53F-2-314 is amended to read:**

27 **53F-2-314. Weighted pupil units for students who are at-risk.**

28 (1) As used in this section:

29 (a) "At risk" means that a public education student:

30 (i) scores below proficient on a state board or LEA approved assessment; or

HB0042 compared with HB0042S01

- 31 (ii) meets an LEA governing board's approved definition of an at-risk student.
- 32 (b) "Limited English proficiency" means that an English learner student received a score of 1-4 on an
English language proficiency assessment.
- 34 (2)
- . (a) Additional weighted pupil units for students who are at-risk are computed based on the number of
students within each LEA on October 1 of the previous school year as follows, added to a base of
five WPU's for each LEA:
- 37 (i) for the fiscal year beginning on July 1, 2021:
- 38 (A) for each student who is eligible to receive free or reduced price lunch, .05 additional weighted pupil
units; and
- 40 (B) for each student with limited English proficiency, .025 additional weighted pupil units; and
- 42 (ii) for each fiscal year after the fiscal year described in Subsection (2)(a)(i), the additional weighed
pupil units shall increase, subject to the approval of the Executive Appropriations Committee,
by amounts that the Public Education Appropriations Subcommittee recommends in the
subcommittee's evaluation and recommendations described in Section 53E-1-202.2, up to:
- 47 (A) for each student who is eligible to receive free or reduced price lunch, .3 total weighted pupil units;
and
- 49 (B) for each student with limited English proficiency, up to .1 total weighted pupil units.
- 51 (b) Funding for a student who falls within both Subsections (2)(a)(i)(A) and (B) shall be computed
under both weighting factors.
- 53 (3) An LEA governing board shall use money distributed under this section to improve the academic
achievement of students who are at-risk.
- 55 (4) The state board may use nonlapsing funds remaining under this section from a prior school year to
provide the emergency funding described in Section 53F-2-315.
- 57 [~~(4)~~] (5)
- . (a) Annually, an LEA shall provide the following information to the state board:
- 58 (i) a report of the LEA's use of funds allocated under this section through the annual financial
reporting process; and
- 60 (ii) the LEA's outcome data or a report of intervention effectiveness related to the use of the LEA's
use of funds allocated under this section.

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HB0042 compared with HB0042S01

(b) The state board shall monitor the learning outcomes resulting from the LEA's use of funds under this section.

45 Section 2. Section 2 is enacted to read:

46 **53F-2-315. Emergency funding for schools with increased enrollment of students learning English.**

48 (1) As used in this section:

49 (a) "Program funds" means the same as that term is defined in Section 53F-2-302.1.

50 (b)

. (i) "School district" means a group of public elementary or secondary educational institutions that provide K-12 education under the same local school board.

52 (ii) "School district" does not include a charter school.

53 (c) "Student learning English" means a student, currently enrolled at a public elementary or secondary educational institution, whose most recent score on an English language proficiency assessment is a 1 or 2.

56 (2)

. (a) A school district may submit an application to the state board to receive emergency funding if enrollment, at a school within the school district, of students learning English increases by 50% or more above the previous three-year average enrollment for students learning English in the school.

60 (b) An application submitted under Subsection (2)(a) shall:

61 (i) demonstrate substantial need for the emergency funding;

62 (ii) include the percentage by which the school's student learning English enrollment exceeds the previous three-year average for the school; and

64 (iii) demonstrate that the school has insufficient existing funds to adequately support the increased student learning English enrollment.

66 (3) The state board shall:

67 (a) establish and oversee the application process to award emergency funding; and

68 (b) prioritize applications and distribute funding based on:

69 (i) the greatest percentage increase in students learning English enrollment in the school; and

71 (ii) the severity of the financial need of the school.

72 (4)

HB0042 compared with HB0042S01

(a) The state board shall draw the emergency funding described in Subsection (2)(a) from the program funds.

74 (b) The state board may not draw program funds of more than \$5,000,000, per fiscal year, for the emergency funding described in this section.

64 Section 2. Section 2 is enacted to read:

65 **53F-2-315. Emergency funding for schools with increased enrollment of students learning English.**

67 (1) As used in this section, "student learning English" means a student, currently enrolled at a public elementary or secondary educational institution, whose most recent score on an English language proficiency assessment is the lowest score available under the given assessment.

71 (2)

(a) An LEA may receive emergency funding from the state board if enrollment, at a school within the LEA, of students learning English increases by:

73 (i) 75% or more above the previous three-year average enrollment for students learning English in the school; and

75 (ii) 30 or more students above the previous three-year average enrollment for students learning English in the school.

77 (b) An LEA shall ensure that an application the LEA submits under Subsection (3)(a):

78 (i) demonstrates substantial need for the emergency funding;

79 (ii) includes the percentage by which the school's student learning English enrollment exceeds the previous three-year average for the school; and

81 (iii) demonstrates that the school has insufficient existing funds to adequately support the increased student learning English enrollment.

83 (3) The state board shall:

84 (a) establish and oversee the application process to award emergency funding;

85 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, create rules to:

87 (i) determine a method for measuring an increase in enrollment at a school; and

88 (ii) identify a school that meets the threshold requirement described in Subsection (2)(a); and

90 (c) subject to the availability of funds or legislative appropriations, prioritize applications and distribute funding based on:

92 (i) the greatest percentage increase in students learning English enrollment in the school; and

HB0042 compared with HB0042S01

94 (ii) the severity of the financial need of the school.

95 (4) An LEA shall use emergency funds received under this section to:

96 (a) provide training or certification to teachers on the instruction of a student learning English;

98 (b) reduce the number of students learning English in a class;

99 (c) hire an aide to assist with students learning English in the classroom; or

100 (d) provide other resources specific to the needs of a student learning English.

101 (5) An LEA may not use emergency funding received under this section for administrative expenses.

103 (6)

. (a) The state board shall draw the emergency funding described in Subsection (2)(a) from nonlapsing funds remaining in the at-risk weighted pupil unit described in Section 53F-2-314.

106 (b) The state board may not draw, from the at-risk weighted pupil unit, more than \$500,000, per fiscal year, for the emergency funding described in this section.

108 Section 3. **Effective date.**

This bill takes effect on ~~{May 7,}~~ July 1, 2025.

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