

1                                   **PUBLIC EDUCATION - ALTERNATIVE**  
2                                   **LANGUAGE PROGRAMS**

3                                   2003 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Duane E. Bourdeaux**

6   **This act modifies provisions related to the State System of Public Education by requiring**  
7   **the State Board of Education and each school district to create an alternative language**  
8   **services master plan. This act requires the state superintendent of public instruction to**  
9   **appoint an alternative language services coordinator and requires the State Board of**  
10 **Education to hire an external evaluator to conduct an evaluation of alternative language**  
11 **programs and to provide technical assistance. This act appropriates \$3,528,564 for fiscal**  
12 **year 2003-04 and as an ongoing appropriation from the Uniform School Fund to the State**  
13 **Board of Education for alternative language services. This act takes effect on July 1,**  
14 **2003.**

15 This act affects sections of Utah Code Annotated 1953 as follows:

16 ENACTS:

17       **53A-15-1001**, Utah Code Annotated 1953

18       **53A-15-1002**, Utah Code Annotated 1953

19       **53A-15-1003**, Utah Code Annotated 1953

20       **53A-15-1004**, Utah Code Annotated 1953

21       **53A-17a-131.20**, Utah Code Annotated 1953

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

23       Section 1. Section **53A-15-1001** is enacted to read:

24                                   **Part 10. Alternative Language Services**

25       **53A-15-1001. Definitions.**

26       As used in this part:

27       (1) "Alternative language services" means services for English language learners.



28           (2) "English language learner" means a national origin minority student who has  
 29 limited English proficiency.

30           Section 2. Section **53A-15-1002** is enacted to read:

31           **53A-15-1002. Alternative language services master plans.**

32           (1) The State Board of Education shall create an alternative language services master  
 33 plan for the state, which shall establish guidelines for the provision of alternative language  
 34 services by school districts. The guidelines shall include recommendations for:

35           (a) teacher and staff qualifications and professional development;

36           (b) identification of English language learners;

37           (c) research-based instructional programs;

38           (d) assessment and monitoring of English language learners':

39           (i) mastery of the core curriculum; and

40           (ii) progress in acquiring English language literacy at grade level; and

41           (e) program evaluation.

42           (2) Each school district shall create an alternative language services master plan for the  
 43 district, which shall be consistent with the state alternative language services master plan.

44           Section 3. Section **53A-15-1003** is enacted to read:

45           **53A-15-1003. Alternative language services coordinator.**

46           (1) The state superintendent of public instruction shall appoint an alternative language  
 47 services coordinator.

48           (2) The alternative language services coordinator shall:

49           (a) administer state and federal alternative language services programs; and

50           (b) assist school districts in developing and implementing their alternative language  
 51 services master plans.

52           Section 4. Section **53A-15-1004** is enacted to read:

53           **53A-15-1004. Evaluation of alternative language services -- Technical assistance.**

54           (1) ~~h~~ [The] EFFECTIVE FISCAL YEAR 2005-06, THE ~~h~~ State Board of Education shall employ,  
 54a after conducting a national search, a

55 third-party evaluator to:

56           (a) evaluate:

57           (i) English language learners' mastery of the core curriculum;

58           (ii) the progress of English language learners in acquiring English language literacy at

59 grade level;

60 (iii) professional development efforts of school districts designed to enhance educators'  
61 proficiency in delivering alternative language services; and

62 (iv) the implementation of programs outlined in school districts' alternative language  
63 services master plans; and

64 (b) provide technical assistance to school districts in implementing their alternative  
65 language services master plans.

66 (2) The individual employed as the third-party evaluator shall be a highly qualified and  
67 effective practitioner with at least ten years experience establishing research-based and  
68 effective practices for teaching English language learners.

69 (3) The State Board of Education shall require school districts to submit information to  
70 the board that the board determines is necessary to conduct the evaluation described in  
71 Subsection (1).

72 Section 5. Section **53A-17a-131.20** is enacted to read:

73 **53A-17a-131.20. Appropriation for alternative language services.**

74 (1) ~~h~~ (a) ~~h~~ Subject to future budget constraints, there is appropriated, as an ongoing  
75 appropriation, \$3,528,564 for fiscal year 2003-04 from the Uniform School Fund to the State  
76 Board of Education ~~h~~ [:] . ~~h~~

76a **~~h~~ (b)(i) THE STATE BOARD OF EDUCATION MAY USE UP TO \$242,500 OF THE MONEY**  
76b **APPROPRIATED IN SUBSECTION (1) TO PAY FOR:**

76c **(A) SALARY AND EXPENSES OF STATE OFFICE OF EDUCATION PERSONNEL WHO**  
76d **ADMINISTER ALTERNATIVE LANGUAGE SERVICES PROGRAMS; AND**

76e **(B) CONTRACTED TECHNICAL ASSISTANCE PROCURED FOR DEVELOPING AND**  
76f **IMPLEMENTING STATE AND SCHOOL DISTRICT ALTERNATIVE LANGUAGE SERVICES MASTER**  
76g **PLANS.**

76h **(ii) THE REMAINING MONEY SHALL BE USED:**

76i **(A) AS A FUNDING BASE FOR SCHOOL DISTRICTS TO PROVIDE ALTERNATIVE LANGUAGE**  
76j **SERVICES AS DEFINED IN SECTION 53A-15-1004; AND**

76k **(B) EFFECTIVE FISCAL YEAR 2005-06, TO PAY FOR THE COST OF A THIRD-PARTY**  
76l **EVALUATOR AS PROVIDED IN SECTION 53A-15-1004. ~~h~~**

77 **~~h~~ [(a) as a funding base for school districts to provide alternative language services as**  
78 **defined in Section 53A-15-1001; and**

79 **~~h~~ (b) to pay for the cost of a third-party evaluator as provided in Section 53A-15-1004.] ~~h~~**

80 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
81 State Board of Education shall make rules establishing procedures and criteria for the  
82 allocation of the money appropriated in Subsection (1).

83           (3) The State Board of Education shall distribute the money appropriated in Subsection  
84 (1) to school districts as provided in board rules.  
85           Section 6. **Effective date.**  
86           This act takes effect on July 1, 2003.

**Legislative Review Note**

as of 1-17-03 11:30 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0111**

**Public Education-Alternative Language Programs**

*05-Feb-03*

*11:03 AM*

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**State Impact**

Implementation of this bill appropriates \$3,528,564 for Alternative Language Services (ALS) currently provided in the Interventions for Student Success Block Grant in the Minimum School Program.

This bill requires the State Board of Education to employ a third-party evaluator. Bill provisions allow for this position to be funded out of the funds appropriated for ALS.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**