

**EDUCATIONAL LANGUAGE SERVICES AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dan N. Johnson**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill enacts provisions relating to services for students learning English.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to family engagement with the education process;
- ▶ requires an LEA to adopt a policy facilitating assistance to students learning English and their families;
- ▶ defines terms;
- ▶ establishes the Educational Interpretation and Translation Services Procurement Advisory Council (council);
- ▶ requires the State Board of Education to provide information to the council;
- ▶ requires the council to advise the purchasing director of the Division of Purchasing and General Services on certain services for students learning English;
- ▶ requires the council to report to the Education Interim Committee;
- ▶ enacts sunset provisions for the council; and
- ▶ makes conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53E-1-201**, as last amended by Laws of Utah 2021, Chapters 64, 251, and 351

31 **53E-2-303**, as last amended by Laws of Utah 2019, Chapter 186

32 **63I-2-253**, as last amended by Laws of Utah 2021, First Special Session, Chapter 14

33 **63I-2-263**, as last amended by Laws of Utah 2021, First Special Session, Chapter 4

34 ENACTS:

35 **53G-7-221**, Utah Code Annotated 1953

36 **63A-2-501**, Utah Code Annotated 1953

37 **63A-2-502**, Utah Code Annotated 1953



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

40 Section 1. Section **53E-1-201** is amended to read:

41 **53E-1-201. Reports to and action required of the Education Interim Committee.**

42 (1) In accordance with applicable provisions and Section **68-3-14**, the following  
43 recurring reports are due to the Education Interim Committee:

44 (a) the report described in Section **9-22-109** by the STEM Action Center Board,  
45 including the information described in Section **9-22-113** on the status of the computer science  
46 initiative and Section **9-22-114** on the Computing Partnerships Grants Program;

47 (b) the prioritized list of data research described in Section **35A-14-302** and the report  
48 on research described in Section **35A-14-304** by the Utah Data Research Center;

49 (c) the report described in Section **35A-15-303** by the State Board of Education on  
50 preschool programs;

51 (d) the report described in Section **53B-1-402** by the Utah Board of Higher Education  
52 on career and technical education issues and addressing workforce needs;

53 (e) the annual report of the Utah Board of Higher Education described in Section  
54 **53B-1-402**;

55 (f) the reports described in Section **53B-28-401** by the Utah Board of Higher Education  
56 regarding activities related to campus safety;

57 (g) the State Superintendent's Annual Report by the state board described in Section  
58 **53E-1-203**;

59 (h) the annual report described in Section 53E-2-202 by the state board on the strategic  
60 plan to improve student outcomes;

61 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for  
62 the Deaf and the Blind;

63 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,  
64 Actionable, and Dynamic Education director on research and other activities;

65 (k) the report described in Section 53F-4-203 by the state board and the independent  
66 evaluator on an evaluation of early interactive reading software;

67 (l) the report described in Section 53F-4-407 by the state board on UPSTART;

68 (m) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board  
69 related to grants for professional learning and grants for an elementary teacher preparation  
70 assessment; ~~and~~

71 (n) the report described in Section 53F-5-405 by the State Board of Education  
72 regarding an evaluation of a partnership that receives a grant to improve educational outcomes  
73 for students who are low income[-]; and

74 (o) the annual report described in Section 63A-2-502 by the Educational Interpretation  
75 and Translation Service Procurement Advisory Council.

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

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

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

82 (c) the reports described in Section 53E-3-520 by the state board regarding cost centers  
83 and implementing activity based costing;

84 (d) if required, the report described in Section 53E-4-309 by the state board explaining  
85 the reasons for changing the grade level specification for the administration of specific  
86 assessments;

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

89 (f) in 2022 and in 2023, on or before November 30, the report described in Subsection

90 53E-10-309(7) related to the PRIME pilot program;

91 (g) the report described in Section 53E-10-702 by Utah Leading through Effective,  
92 Actionable, and Dynamic Education;

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

96 (i) upon request, the report described in Section 53F-5-207 by the state board on the  
97 Intergenerational Poverty Intervention Grants Program;

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

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

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

104 (m) the report described in Section 62A-15-117 by the Division of Substance Abuse  
105 and Mental Health, the State Board of Education, and the Department of Health regarding  
106 recommendations related to Medicaid reimbursement for school-based health services; and

107 (n) the reports described in Section 63C-19-202 by the Higher Education Strategic  
108 Planning Commission.

109 Section 2. Section 53E-2-303 is amended to read:

110 **53E-2-303. Family participation in educational process -- Family engagement**  
111 **policy.**

112 (1) As used in this section, "family engagement" means a full partnership among  
113 families, educators, and community partners to promote a student's learning and development  
114 from birth through college and career.

115 ~~(1)~~ (2) The Legislature recognizes the importance of ~~parental participation~~ family  
116 engagement in the educational process in order for students to achieve and maintain high levels  
117 of performance.

118 ~~(2)~~ (3) It is, therefore, the policy of the state to:

119 (a) encourage ~~parents~~ families to provide a home environment that values education  
120 and send their ~~children~~ students to school prepared to learn;

121 (b) rely upon ~~[school districts and schools]~~ LEAs to provide opportunities for ~~[parents]~~  
 122 families of students to be involved in establishing and implementing educational goals for their  
 123 respective schools and students; and

124 (c) expect employers to recognize and support the need for ~~[parents]~~ families and  
 125 members of the community to participate in the public education system in order to help  
 126 students achieve and maintain excellence.

127 ~~[(3)]~~ (4) (a) Each ~~[local school board shall adopt a policy on parental involvement in~~  
 128 ~~the schools of the district]~~ LEA shall adopt a policy on school engagement with families.

129 (b) ~~[The local school board shall design its]~~ The LEA shall design the policy to build  
 130 consistent and effective communication among ~~[parents, teachers, and administrators.]:~~

131 (i) families, including families of students learning English, regardless of the  
 132 prevalence in the geographic area in which the LEA is located of a student learning English  
 133 family's primary language;

134 (ii) teachers and school staff;

135 (iii) administrators; and

136 (iv) community organizations.

137 (c) The policy shall provide ~~[parents]~~ a family with the opportunity to be actively  
 138 involved in their ~~[children's]~~ student's education and, in the family's preferred language, to be  
 139 informed of:

140 (i) the importance of the involvement of ~~[parents]~~ family in directly affecting the  
 141 success of their ~~[children's]~~ student's educational efforts; and

142 (ii) groups and organizations that may provide instruction and training to ~~[parents]~~ a  
 143 family to help improve their ~~[children's]~~ student's academic success and support their academic  
 144 efforts.

145 Section 3. Section **53G-7-221** is enacted to read:

146 **53G-7-221. Policy supporting students learning English and family**  
 147 **communication.**

148 (1) An LEA shall adopt a policy addressing the LEA's communication and assistance to  
 149 students learning English and their families.

150 (2) The policy shall provide:

151 (a) guidance on the appropriate use of an interpreter and recommended interpreter

152 qualifications, including certification or education-specific experience, for the following:

153 (i) classroom activities;

154 (ii) impromptu and scheduled office visits or phone calls;

155 (iii) enrollment or registration processes;

156 (iv) the IEP process;

157 (v) student educational and occupational planning processes;

158 (vi) fee waiver processes;

159 (vii) family engagement activities;

160 (viii) student disciplinary meetings;

161 (ix) school community councils;

162 (x) school board meetings;

163 (xi) other school or LEA activities; and

164 (xii) other interactions between the family members of a student learning English and  
165 educational staff;

166 (b) guidance on the appropriate use of a translator or interpreter for the translation or  
167 interpretation of:

168 (i) registration or enrollment materials, including home language surveys and English  
169 learning program entrance and exit notifications;

170 (ii) assignments and accompanying materials;

171 (iii) report cards or other progress reports;

172 (iv) student discipline policies and procedures;

173 (v) grievance procedures and notices of rights and nondiscrimination;

174 (vi) parent or family handbooks; and

175 (vii) requests for parent permission; and

176 (c) any other guidance, including guidance on when oral interpretation is preferable to  
177 written translation, to improve instruction and assistance by teachers, counselors, and  
178 administrators to a student learning English and the student's family.

179 (3) The state board shall provide to an LEA notification of LEA requirements  
180 described in this section, a model of the policy described in this section, and guidance and  
181 technical assistance regarding existing requirements in relevant statute, administrative rule, and  
182 federal law.

183 Section 4. Section **63A-2-501** is enacted to read:

184 **63A-2-501. Definitions.**

185 As used in this part:

186 (1) "Advisory council" means the Educational Interpretation and Translation Services  
187 Procurement Advisory Council established in Section [63A-2-502](#).

188 (2) "Contract" means a contract entered into by the division for interpretation or  
189 translation services in accordance with Section [63A-2-503](#).

190 (3) "Local education agency" or "LEA" means the same as that term is defined in  
191 Section [53E-1-102](#).

192 (4) "State board" means the State Board of Education.

193 Section 5. Section **63A-2-502** is enacted to read:

194 **63A-2-502. Educational Interpretation and Translation Services Procurement**  
195 **Advisory Council.**

196 (1) There is established the Educational Interpretation and Translation Services  
197 Procurement Advisory Council to provide advice to the purchasing director regarding the  
198 language-access needs of LEAs, students learning English, and the families of students learning  
199 English.

200 (2) The advisory council shall consist of the following members:

201 (a) the purchasing director or the director's designee;

202 (b) an individual representing the state board, appointed by the state superintendent of  
203 public instruction;

204 (c) the purchasing director for the state board or the director's designee;

205 (d) an individual representing the Division of Multicultural Affairs created in Section  
206 [9-21-201](#), appointed by the executive director of the Department of Cultural and Community

207 Engagement; and

208 (e) appointed by the cochairs:

209 (i) one or more employees of the state board who manage or administer services or  
210 programs for a student learning English and the student's family;

211 (ii) an administrator from an LEA with a high density of students learning English;

212 (iii) an administrator from an LEA with a low density of students learning English;

213 (iv) a teacher, counselor, or other licensed LEA staff, from a school with a high density

214 of students learning English;

215 (v) a teacher, counselor, or other licensed LEA staff, from a school with a low density  
216 of students learning English;

217 (vi) an individual who works to assist students learning English or minority students  
218 navigate school and community resources, such as a refugee liaison;

219 (vii) an LEA procurement agent;

220 (viii) an individual representing a community organization that directly serves students  
221 learning English and the students' families; and

222 (ix) a parent who is a person learning English and also the parent of a student learning  
223 English who is enrolled in an LEA.

224 (3) (a) The purchasing director and the individual representing the state board, as  
225 described in Subsection (2)(b), shall serve as cochairs for the advisory council.

226 (b) Each advisory council member shall serve until a successor is duly appointed.

227 (4) The division shall provide staff support to facilitate the function of the council.

228 (5) (a) A member of the advisory council may not receive compensation or benefits for  
229 the council member's service.

230 (b) An advisory council member may receive per diem and travel expenses in  
231 accordance with:

232 (i) Section [63A-3-106](#);

233 (ii) Section [63A-3-107](#); and

234 (iii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and  
235 [63A-3-107](#).

236 (6) Before the commencement of each school year, the state board shall collect and  
237 provide to the advisory council the following information for each LEA:

238 (a) a list of preferred languages of:

239 (i) students learning English; and

240 (ii) families of the students described in Subsection (6)(a)(i);

241 (b) the frequency by which each language of a student learning English is preferred;

242 and

243 (c) the list of preferred methods of communication and frequency by which each  
244 method is preferred by a student learning English and the student's family.



245 (7) (a) Before the commencement of each school year, the advisory council shall advise  
246 the purchasing director on:

247 (i) the needs of the LEAs for interpretation and translation services, as described in  
248 Subsection (6);

249 (ii) the appropriate points of contact at the state board and each LEA that should  
250 receive information regarding the availability and use of procured interpretation and translation  
251 contracts; and

252 (iii) the form, manner, and content of information that is to be disseminated to the state  
253 board, each LEA, and LEA administrators and principals, regarding the availability and use of  
254 procured interpretation and translation contracts.

255 (b) The advisory council shall include in the information described in Subsection  
256 (7)(a)(iii) the following information:

257 (i) a notice of available contracts;

258 (ii) the language and types of services offered under each contract;

259 (iii) the requisite procedures for accessing the services stipulated within the contracts;

260 (iv) a list of additional translation and interpretation materials, including posters or  
261 flyers, provided through a contract;

262 (v) an opportunity to provide feedback on contracts, including contact information for  
263 the division purchasing agent;

264 (vi) the estimated and actual cost to each LEA for use of interpretation and translation  
265 services; and

266 (vii) the availability of alternative procurement mechanisms that are independent of the  
267 division and available contracts.

268 (8) The advisory council shall report to the Education Interim Committee no later than  
269 November 1 each year on the existing use and efficacy of all contracts.

270 Section 6. Section **63I-2-253** is amended to read:

271 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

272 (1) Section [53-1-106.1](#) is repealed January 1, 2022.

273 (2) (a) Section [53-2a-217](#), regarding procurement during an epidemic or pandemic  
274 emergency, is repealed on December 31, 2021.

275 (b) When repealing Section [53-2a-217](#), the Office of Legislative Research and General

276 Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make  
277 necessary changes to subsection numbering and cross references.

278 (3) Section 53-2a-219, in relation to termination of emergency powers pertaining to  
279 COVID-19, is repealed on July 1, 2021.

280 (4) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a  
281 technical college board of trustees, is repealed July 1, 2022.

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

285 (5) Section 53B-6-105.7 is repealed July 1, 2024.

286 (6) (a) Subsection 53B-7-705(6)(b)(iii)(A), the language that states "Except as  
287 provided in Subsection (6)(b)(iii)(B)," is repealed July 1, 2021.

288 (b) Subsection 53B-7-705(6)(b)(iii)(B), regarding comparing a technical college's  
289 change in performance with the technical college's average performance, is repealed July 1,  
290 2021.

291 (7) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as provided in  
292 Subsection (3)(b)," is repealed July 1, 2021.

293 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college  
294 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

295 (8) Section 53B-7-707 regarding performance metrics for technical colleges is repealed  
296 July 1, 2023.

297 (9) Section 53B-8-114 is repealed July 1, 2024.

298 (10) The following sections, regarding the Regents' scholarship program, are repealed  
299 on July 1, 2023:

300 (a) Section 53B-8-202;

301 (b) Section 53B-8-203;

302 (c) Section 53B-8-204; and

303 (d) Section 53B-8-205.

304 (11) Section 53B-10-101 is repealed on July 1, 2027.

305 (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is  
306 repealed July 1, 2023.

307 (13) Subsection 53E-1-201(1)(o) regarding the report by the Educational Interpretation  
308 and Translation Services Procurement Advisory Council is repealed July 1, 2024.

309 ~~[(13)]~~ (14) Section 53E-1-202.2, regarding a Public Education Appropriations  
310 Subcommittee evaluation and recommendations, is repealed January 1, 2024.

311 ~~[(14)]~~ (15) Section 53E-3-520 is repealed July 1, 2021.

312 ~~[(15)]~~ (16) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed  
313 July 1, 2024.

314 ~~[(16)]~~ (17) In Subsections 53F-2-205(4) and (5), regarding the State Board of  
315 Education's duties if contributions from the minimum basic tax rate are overestimated or  
316 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,  
317 2023.

318 ~~[(17)]~~ (18) Section 53F-2-209, regarding local education agency budgetary flexibility,  
319 is repealed July 1, 2024.

320 ~~[(18)]~~ (19) Subsection 53F-2-301(1), relating to the years the section is not in effect, is  
321 repealed July 1, 2023.

322 ~~[(19)]~~ (20) Section 53F-2-302.1, regarding the Enrollment Growth Contingency  
323 Program, is repealed July 1, 2023.

324 ~~[(20)]~~ (21) Subsection 53F-2-314(4), relating to a one-time expenditure between the  
325 at-risk WPU add-on funding and previous at-risk funding, is repealed January 1, 2024.

326 ~~[(21)]~~ (22) Section 53F-2-418, regarding the Supplemental Educator COVID-19  
327 Stipend, is repealed January 1, 2022.

328 ~~[(22)]~~ (23) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as  
329 applicable" is repealed July 1, 2023.

330 ~~[(23)]~~ (24) Section 53F-4-207 is repealed July 1, 2022.

331 ~~[(24)]~~ (25) Subsection 53F-4-401(3)(b), regarding a child enrolled or eligible for  
332 enrollment in kindergarten, is repealed July 1, 2022.

333 ~~[(25)]~~ (26) In Subsection 53F-4-404(4)(c), the language that states "Except as provided  
334 in Subsection (4)(d)" is repealed July 1, 2022.

335 ~~[(26)]~~ (27) Subsection 53F-4-404(4)(d) is repealed July 1, 2022.

336 ~~[(27)]~~ (28) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as  
337 applicable" is repealed July 1, 2023.

338           ~~[(28)]~~ (29) In Subsection [53F-9-305](#)(3)(a), the language that states "or [53F-2-301.5](#), as  
339 applicable" is repealed July 1, 2023.

340           ~~[(29)]~~ (30) In Subsection [53F-9-306](#)(3)(a), the language that states "or [53F-2-301.5](#), as  
341 applicable" is repealed July 1, 2023.

342           ~~[(30)]~~ (31) In Subsection [53G-3-304](#)(1)(c)(i), the language that states "or [53F-2-301.5](#),  
343 as applicable" is repealed July 1, 2023.

344           ~~[(31)]~~ (32) Subsections [53G-10-204](#)(1)(c) through (e), and Subsection [53G-10-204](#)(6),  
345 related to the civics engagement pilot program, are repealed on July 1, 2023.

346           ~~[(32)]~~ (33) On July 1, 2023, when making changes in this section, the Office of  
347 Legislative Research and General Counsel shall, in addition to the office's authority under  
348 Subsection [36-12-12](#)(3), make corrections necessary to ensure that sections and subsections  
349 identified in this section are complete sentences and accurately reflect the office's perception of  
350 the Legislature's intent.

351           Section 7. Section **63I-2-263** is amended to read:

352           **63I-2-263. Repeal dates, Title 63A to Title 63N.**

353           (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services  
354 Procurement Advisory Council is repealed July 1, 2025.

355           (2) Section [63A-3-111](#) is repealed June 30, 2021.

356           ~~[(2)]~~ (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is  
357 repealed July 1, 2021.

358           ~~[(3)]~~ (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology  
359 Commission is repealed July 1, 2023.

360           ~~[(4)]~~ (5) Section [63G-1-502](#) is repealed July 1, 2022.

361           ~~[(5)]~~ (6) The following sections regarding the World War II Memorial Commission are  
362 repealed on July 1, 2022:

363           (a) Section [63G-1-801](#);

364           (b) Section [63G-1-802](#);

365           (c) Section [63G-1-803](#); and

366           (d) Section [63G-1-804](#).

367           ~~[(6)]~~ (7) Section [63H-7a-303](#) is repealed July 1, 2024.

368           ~~[(7)]~~ (8) Subsection [63J-1-206](#)(3)(c), relating to coronavirus, is repealed July 1, 2021.

369            [~~8~~] (9) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed on January 1, 2023.

370            [~~9~~] (10) Section [63M-7-217](#) is repealed on July 1, 2022.

371            [~~10~~] (11) Title 63N, Chapter 13, Part 3, Facilitating Public-private Partnerships Act,  
372 is repealed January 1, 2024.

373            [~~11~~] (12) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is  
374 repealed December 31, 2021.