

HB0302S01 compared with HB0302

~~text~~ shows text that was in HB0302 but was deleted in HB0302S01.

text shows text that was not in HB0302 but was inserted into HB0302S01.

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Representative Dan N. Johnson proposes the following substitute bill:

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~~parent engagement with the education process;
- ▶ requires an LEA to adopt a policy facilitating assistance to students learning English and their ~~families~~parents;
- ▶ 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;

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- ▶ 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

Utah Code Sections Affected:

AMENDS:

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

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

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

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

ENACTS:

53G-7-221, Utah Code Annotated 1953

63A-2-501, Utah Code Annotated 1953

63A-2-502, Utah Code Annotated 1953

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

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

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

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

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

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

(c) the report described in Section 35A-15-303 by the State Board of Education on

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preschool programs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) the report described in Section 53B-28-402 by the Utah Board of Higher Education

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on or before the Education Interim Committee's November 2021 meeting;

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

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

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

(f) in 2022 and in 2023, on or before November 30, the report described in Subsection 53E-10-309(7) related to the PRIME pilot program;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ~~{ (i) The local school board shall design its { The LEA shall design the } policy to build consistent and effective communication among { parents, teachers, and administrators. }.~~

~~{ (i) families, including families of students } (ii) The policy described in Subsection (3)(b)(i):~~

~~(A) shall include parents or family, when appropriate, of children learning English, regardless of { the } prevalence of children learning English in the geographic area in which the LEA is located { of a student learning English family's primary language;~~

~~(ii) teachers and school staff;~~

~~(iii) administrators}; and~~

~~{ (iv) B) may include assistance from community organizations to assist through a preferred method of communication.~~

(c) The policy shall provide ~~{ parents } a family }~~ with the opportunity to be actively

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involved in their ~~{} children's {} student's~~ education and ~~{, in the family's preferred language,}~~ to be informed of:

(i) the importance of the involvement of ~~{} parents {} family~~ in directly affecting the success of their ~~{} children's {} student's~~ educational efforts; and

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

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

53G-7-221. Policy supporting students learning English, parents, and ~~{} family communication {} families~~.

(1) An LEA shall adopt a policy addressing the LEA's communication and assistance to students learning English, their parents, and their ~~{} families {} family~~.

(2) The policy shall provide:

(a) guidance on the appropriate use of an interpreter and recommended interpreter qualifications, including certification or education-specific experience, for the following:

(i) classroom activities;

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

(iii) enrollment or registration processes;

(iv) the IEP process;

(v) student educational and occupational planning processes;

(vi) fee waiver processes;

(vii) ~~{} family {} parent~~ engagement activities;

(viii) student disciplinary meetings;

(ix) school community councils;

(x) school board meetings;

(xi) other school or LEA activities; and

(xii) other interactions between the ~~{} family members {} parents~~ of a student learning English and educational staff;

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

(i) registration or enrollment materials, including home language surveys and English

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learning program entrance and exit notifications;

(ii) assignments and accompanying materials;

(iii) report cards or other progress reports;

(iv) student discipline policies and procedures;

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

(vi) parent or family handbooks; and

(vii) requests for parent permission; and

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

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

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

Part 5. Educational Interpretation and Translation Services

Procurement Advisory Council

63A-2-501. Definitions.

As used in this part:

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

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

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

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

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

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

(1) There is established the Educational Interpretation and Translation Services Procurement Advisory Council to provide advice to the purchasing director regarding the

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language-access needs of LEAs, students learning English, and the families of students learning English.

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

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

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

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

(d) an individual representing the Division of Multicultural Affairs created in Section 9-21-201, appointed by the executive director of the Department of Cultural and Community Engagement; and

(e) appointed by the cochairs:

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

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

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

(iv) a teacher, counselor, or other licensed LEA staff, from a school with a high density of students learning English;

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

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

(vii) an LEA procurement agent;

(viii) an individual representing a community organization that directly serves ~~students~~ parents and their children learning English ~~and the students' families~~; and

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

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

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

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

(5) (a) A member of the advisory council may not receive compensation or benefits for

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the council member's service.

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

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

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

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

(~~fa~~i) a list of preferred languages of:

(~~fi~~A) students learning English; and

(~~fi~~B) ~~parents and~~ families of the students described in Subsection (6)(a)(i)(A); and

(~~fb~~ii) the frequency by which each language of a student learning English is preferred~~;~~ and

~~(c) ~~;~~~~

(b) Before the commencement of each school year after July 1, 2024, the state board shall, for each LEA, collect and provide to the advisory council the list of preferred methods of communication and frequency by which each method is preferred by ~~a student~~ ~~parents and the parents' children~~ learning English ~~and the student's family~~.

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

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

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

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

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

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- (i) a notice of available contracts;
 - (ii) the language and types of services offered under each contract;
 - (iii) the requisite procedures for accessing the services stipulated within the contracts;
 - (iv) a list of additional translation and interpretation materials, including posters or flyers, provided through a contract;
 - (v) an opportunity to provide feedback on contracts, including contact information for the division purchasing agent;
 - (vi) the estimated and actual cost to each LEA for use of interpretation and translation services; and
 - (vii) the availability of alternative procurement mechanisms that are independent of the division and available contracts.
- (8) The advisory council shall report to the Education Interim Committee no later than November 1 each year on the existing use and efficacy of all contracts.

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

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

- (1) Section 53-1-106.1 is repealed January 1, 2022.
- (2) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic emergency, is repealed on December 31, 2021.
 - (b) When repealing Section 53-2a-217, the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.
- (3) Section 53-2a-219, in relation to termination of emergency powers pertaining to COVID-19, is repealed on July 1, 2021.
- (4) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a technical college board of trustees, is repealed July 1, 2022.
 - (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.
- (5) Section 53B-6-105.7 is repealed July 1, 2024.
- (6) (a) Subsection 53B-7-705(6)(b)(iii)(A), the language that states "Except as provided in Subsection (6)(b)(iii)(B)," is repealed July 1, 2021.

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

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

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

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

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

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

(a) Section 53B-8-202;

(b) Section 53B-8-203;

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

(d) Section 53B-8-205.

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

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

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

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

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

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

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

~~[(17)]~~ (18) Section 53F-2-209, regarding local education agency budgetary flexibility,

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is repealed July 1, 2024.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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the Legislature's intent.

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

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

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

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

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

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

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

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

(a) Section 63G-1-801;

(b) Section 63G-1-802;

(c) Section 63G-1-803; and

(d) Section 63G-1-804.

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

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

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

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

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

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